

ORDINANCE NO. 0-8-20

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE) OF THE CITY CODE, ARTICLE I, ENTITLED, "IN GENERAL," § 24-1, ENTITLED, "DEFINITIONS," AND TO REPEAL AND REENACT ARTICLE IX, ENTITLED "SIGNS," IN ITS ENTIRETY, TO COMPLY WITH RECENT CASE LAW AND TO ACCOMMODATE NEWER SIGN TECHNOLOGY AND POPULAR DESIGN TRENDS

Text Amendment CTAM-8364-2019

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance), Articles I and IX are amended to read as follows:

Chapter 24

ZONING

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

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Sign. ~~Any device designed to inform or attract the attention of persons.~~ Refer to the definition under Article IX, Sec. 24-209.

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Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

ARTICLE IX. SIGNS

Sec. 24-208 Purpose.

Purpose. Article IX is intended to provide uniform sign regulations for areas under the jurisdiction of the City of Gaithersburg while respecting the rights guaranteed by the state and federal constitutions. Article IX further intends to promote and protect the public health, safety, and general welfare by regulating existing and proposed signs within the City to ensure that signs:

- (a) Promote pedestrian and vehicular safety by allowing people to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion.
- (b) Enhance the unique character of the City by maintaining and complementing the aesthetic, built, and natural environments;
- (c) Protect property values by preventing damage from signs, avoiding visual clutter, and ensuring compatibility with the surrounding land uses;
- (d) Do not become a public nuisance, create blight, or pose a hazard through unregulated construction, placement, and display;
- (e) Create an attractive business climate that fosters economic vitality and sustainability;
- (f) Appear and act as an accessory and incidental use to the primary use on the property;
- (g) Communicate legibly and effectively under the circumstances in which they are seen;
- (h) Preserve public property and rights-of-way and its authorized users and franchisees; and
- (i) Minimize the possible adverse effect of signs on nearby public and private property.

Sec. 24-209 Definitions, signs.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign. A portable commercial sign used on a sidewalk or similar location, consisting of one (1) or two (2) sign faces attached at the top with hinges or similar device allowing for easy transport. Also referred to as sidewalk signs or sandwich boards.

Ancillary sign. A commercial sign subordinate to the primary sign used for the tenant or business.

Awning. A shelter supported entirely from the exterior wall or window frame of a building.

Balloon sign. Any sign made of fabric or other material, inflated by air or gas to a point of semi-rigidity for the purpose of floating above the ground or a building.

Banner. A sign made of lightweight fabric, cloth, flexible plastic, or other durable flexible material, which is mounted with no enclosing framework to a wall, the ground, or a pole. A banner may be any shape, though the total sign face calculation must use the maximum width and height dimensions. A flag, as defined herein, is not a banner. A banner must not be constructed of cardboard, foam board, poster board, paper, or similar non-durable or non-flexible materials.

Billboard sign. Any sign larger than one hundred square feet that:

- (a) has space available or in use by an entity that does not conduct any activity other than providing the sign on the land where the sign is located, or
- (b) focuses on a business, entity, product, service, or activity that is not located, available, or conducted on the land where the sign is located.

Blade sign. A single-face or double-face building sign attached to and projecting from the façade of a building or a supporting column, generally at a right angle to the building wall or column.

Box sign. A sign in the form of an enclosed box or cabinet where the entire face of the sign is lighted from fixtures located within the structure.

Building sign. Any sign that is affixed directly to or suspended from a building wall, marquee, mansard roof, or parapet, with the exposed face of the sign in a plane approximately parallel to and projecting no more than 18 inches from the face of the building wall.

Canopy. A roof structure extending from the front of a building over a sidewalk or walkway, which may be wholly or partially supported by columns, poles, or braces extending from the ground.

Changeable copy sign. A sign whose copy can be changed by mechanical or manual means without altering the face or surface of the sign. A changeable copy sign is counted as a sign face and must be included in the calculation for total allowable signage.

Channel letters. Individual letters, symbols, or characters attached to a building separately, which may be individually lighted from an interior light source.

Commercial sign. A sign that directly or indirectly identifies a business; advertises or promotes a product, service, or thing available for sale, lease, or exchange; or calls attention to commercial activity or commercial messages.

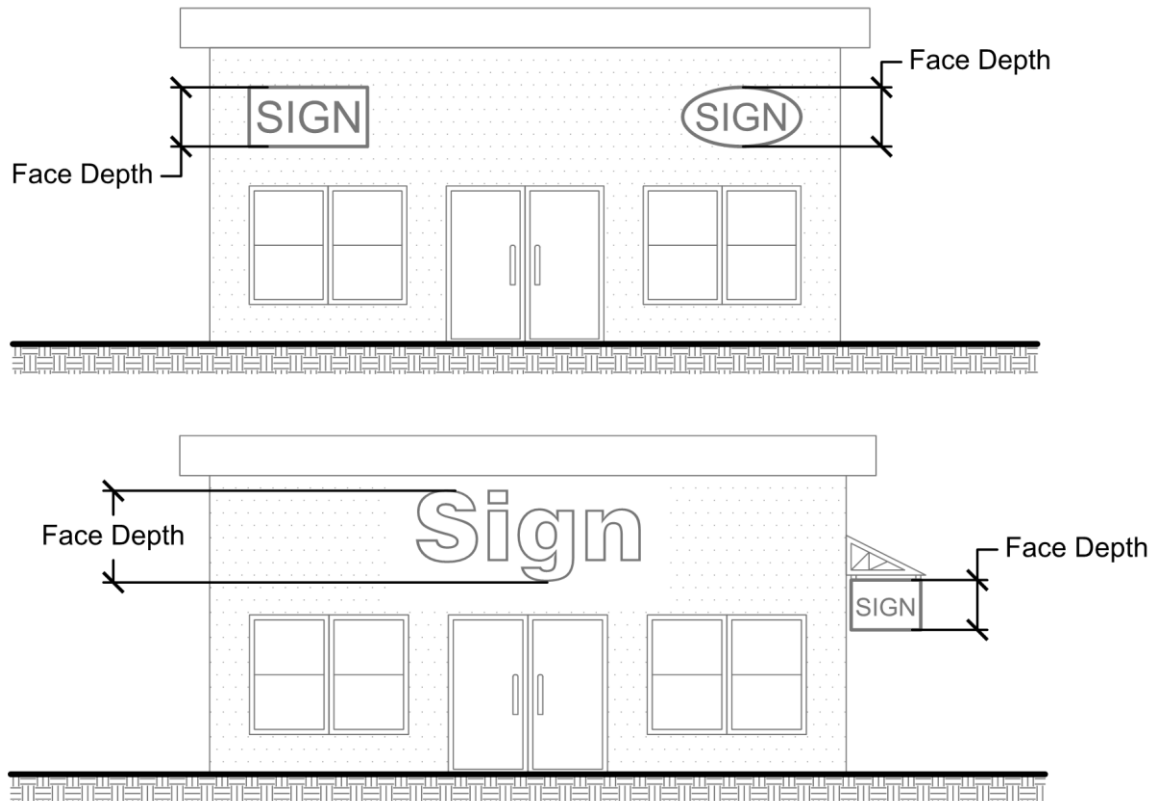
Conforming sign. A sign that is in compliance with all the provisions of this article and other applicable sections of the City of Gaithersburg Code.

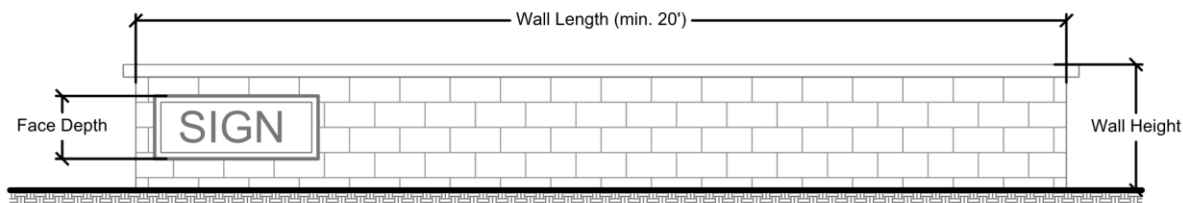
Copy. The message, words, characters, letters, illustrations, symbols, and other graphics displayed on a sign.

Decorative pole banner. A changeable sign in the form of a decorative or ornamental banner attached to a utility or light pole fixture or attached to a building façade, and supported by rods inserted at the top and bottom of the banner, which keep the banner semi-rigid at all times. A flag, as defined herein, is not a decorative pole banner.

Depth, sign face. For a sign attached to a building or wall, the sign face depth is measured from the outermost bottom edge of the structure surrounding the sign face to the outermost top edge of the structure surrounding the sign face.

In the examples below, the dimension line indicates the distance measurement used to calculate the depth of the sign and the extending lines indicate the limits of the bottom and top of the sign.





Directional sign. Any on-site or off-site wayfinding sign that includes information assisting in the flow of pedestrian, bicycle, or vehicular traffic.

Directory. A wayfinding sign that includes a listing of names, uses, and/or locations of more than one person, business, activity, or amenity within a building, group of buildings, shopping center, mixed-use center, or similar area.

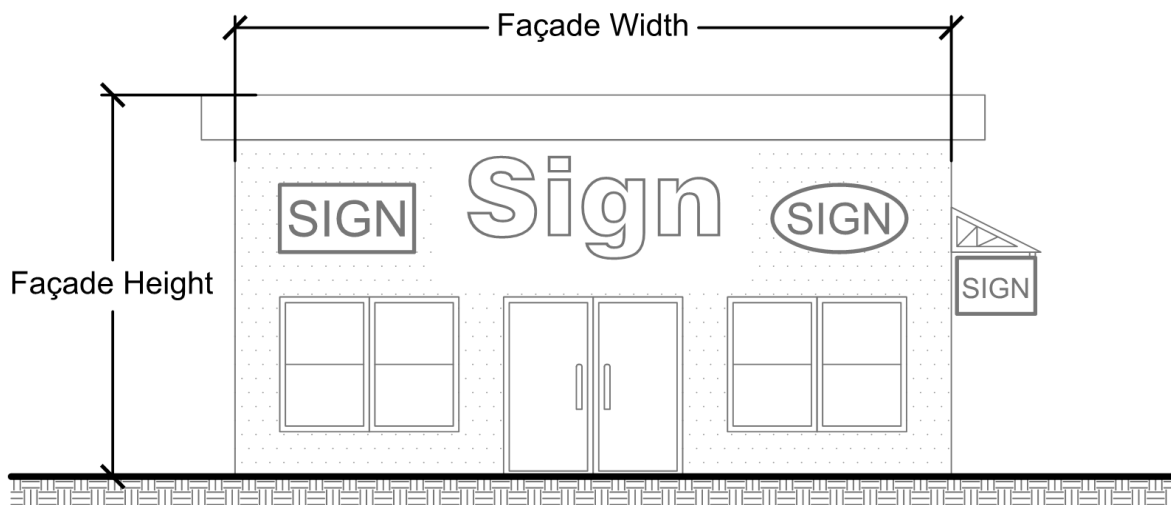
Double-face sign. A sign that has two (2) or more display surfaces backed against each other or against the same background, one face of which is designed to be seen from one direction and the other face from the other direction.

Electric sign. Any sign containing electric wiring, but not including signs illuminated by an exterior light source.

Electronic message display. A sign that uses direct illumination for the message display area of the sign face. An electronic message display consists of a fixed electronic display screen, in which alphabetic, pictographic, or symbolic informational content can be periodically, continuously, or rapidly changed or altered by electronic or computerized processes. An electronic message display is counted as a sign face and must be included in the calculation for total allowable signage.

Externally illuminated sign. Any sign illuminated by shielded electric lights that are not part of the sign.

Façade. An outside exterior face of a building from the ground to the roof line. The area of a façade is calculated by multiplying the façade height by the façade width.



Flag. A piece of cloth or similar material that is used as the symbol or emblem of a national, state, county, municipal, or other government. A flag is not a sign.

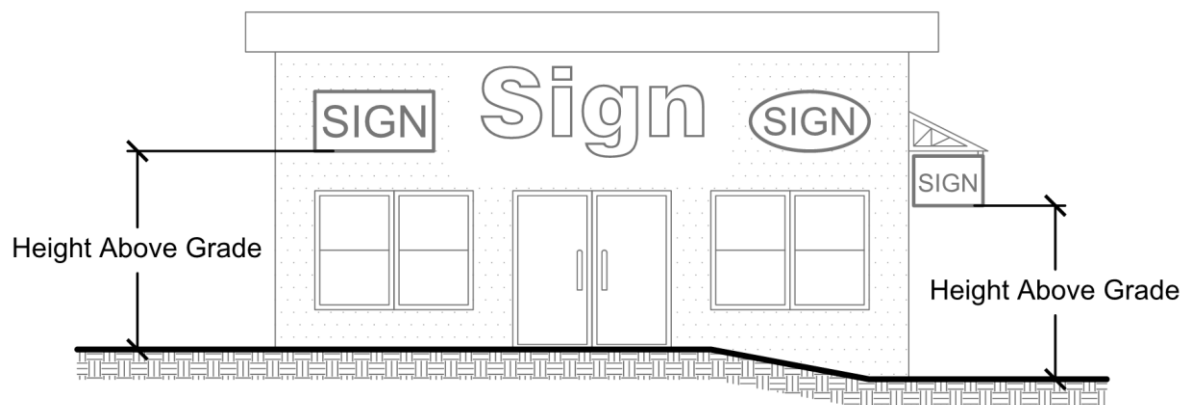
Flashing sign. An illuminated sign that is not kept constant in intensity or display of light or color when the sign is illuminated, unless the variation is in response to the ambient light level at different times of the day. A changeable copy sign and an electronic message board display, as defined herein, are not flashing signs.

Freestanding sign. Any sign that is not attached to or painted on a building, but is affixed to a supporting structure that is attached to the ground. Such signs include monument, pole, pylon, wood post, ground, lawn, bandit, and yard signs. Permanent freestanding signs must be constructed of durable, non-flexible materials such as wood, plywood, rigid plastic, stone, concrete, or steel. Temporary freestanding signs may be constructed of the same materials as permanent signs, as well as corrugated plastic board.

Geographic Area sign. A wayfinding sign used to identify or delineate a geographic area such as a subdivision, neighborhood, commercial center, industrial park, regional attraction, or campus.

Gooseneck lights. Lights used to light a sign, canopy or awning. Typically these lights extend from the building wall above a sign and are used to externally illuminate the sign.

Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk, that is within one (1) foot of the thing whose height is being measured.



Graphic sign. Any sign that:

- (a) only includes or is in the shape of an identifying mark, trade mark, or corporate logo; or
- (b) both (1) includes or is in the shape of letters or characters and (2) includes or is in the shape of graphics, symbols, an identifying mark, trade mark, or corporate logo.

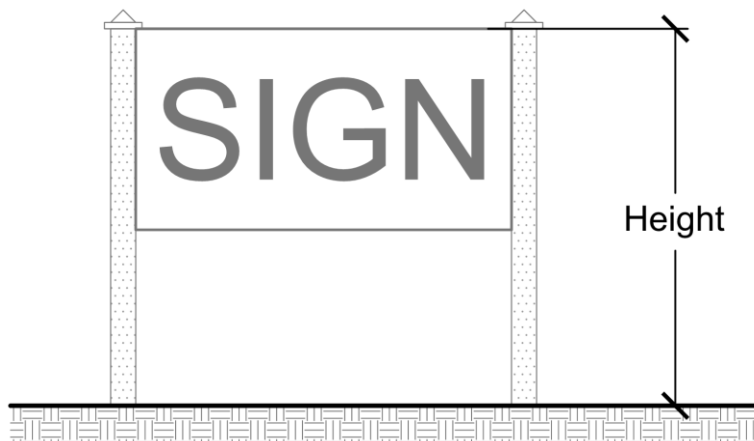
A graphic sign counts as a sign face and must be included in the calculation for total allowable signage.

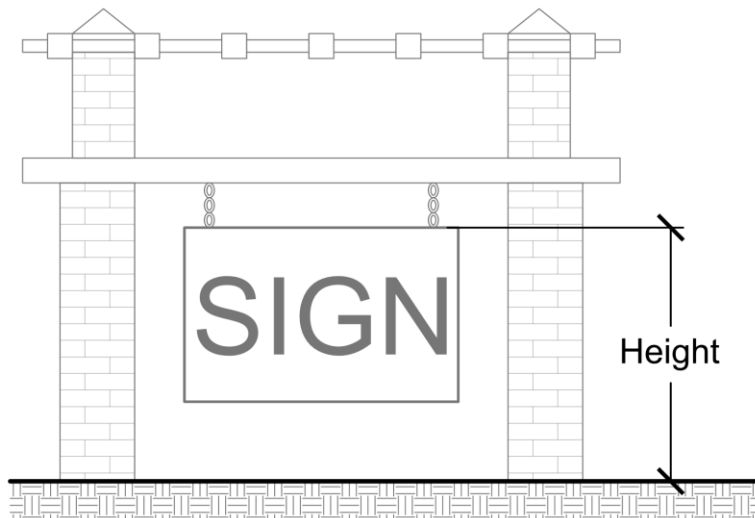
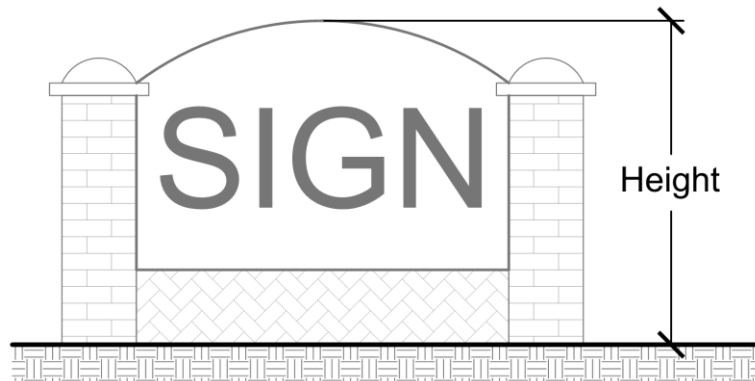
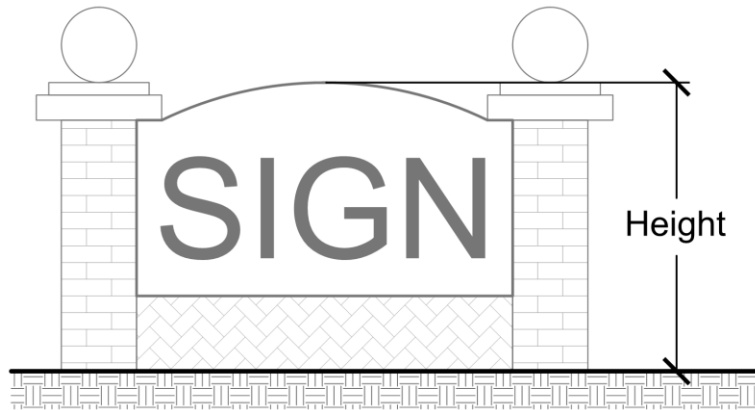
Halo-lighted sign. A sign using opaque individual letters or shapes in which the light is emitted from behind the letters or shapes, creating a halo effect of light surrounding darkness.

Hanging sign. A single-face or double-face building sign that hangs below a supporting structure, which is attached to the façade of a building, a supporting column, or an awning, canopy, or roof structure or beam.

Height, freestanding sign. For a freestanding sign not attached to a building or wall, the height is measured from the average finished grade of the property at the base of the sign to the outermost top edge of the structure surrounding the sign face. Where decorative columns wider than 6 inches are used on both sides of the sign face, the columns are excluded from the height measurement. Where decorative architectural framing or elements are used to surround the sign face or top the column supports, the architectural framing and elements are excluded from the height measurement.

In the examples below, the dimension line indicates the distance measurement used to calculate the height of the freestanding sign and the extending lines indicate the limits of the bottom and top of the sign.





Home-based business. Refer to the definition under Sec. 24-1.

Illegal sign. A sign that was not in compliance with the City Code when it was erected, installed, altered, or displayed.

Illuminated sign. A sign that is illuminated using electric arc discharge, incandescence, electroluminescence, radioluminescence, chemiluminescence, photoluminescence, sonoluminescence, combustion, or other methods, in order to provide clear visibility, particularly at night.

- (a) *Internal illumination,* a light source that is enclosed within the sign and viewed through a translucent or clear panel.
- (b) *External illumination,* a light source that is placed outside of or away from the sign in a manner to illuminate the sign.
- (c) *Direct illumination,* a light source that is shaped or arranged to create letters, graphics, or other forms that are viewed directly. Examples include luminous tubing, liquid crystal display (LCD), and light-emitting diode (LED) devices.
- (d) *Projected illumination,* a sign that is only visible as a light source projected onto a surface.

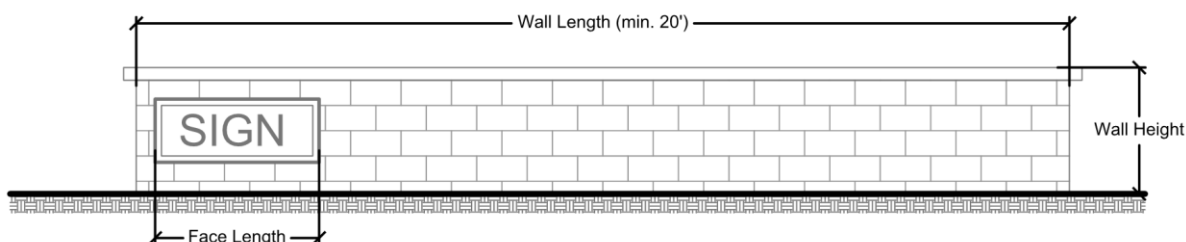
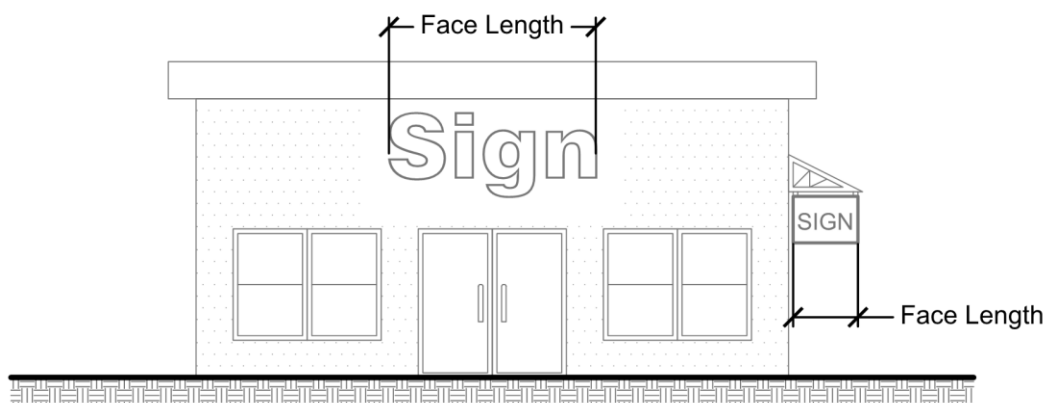
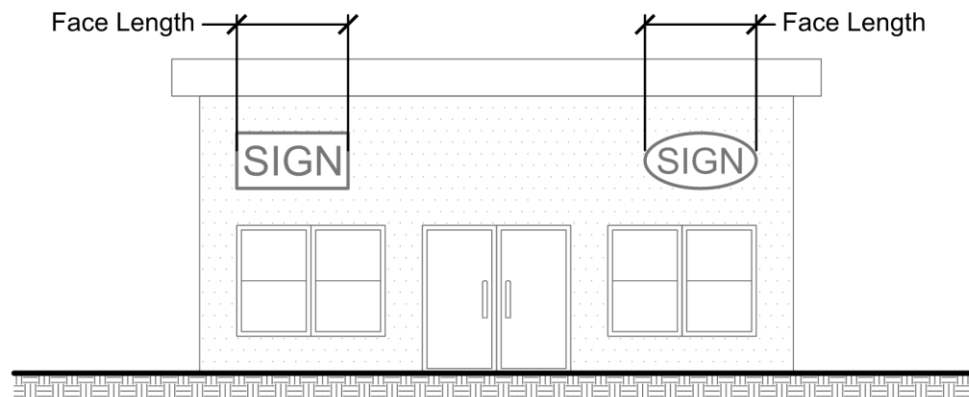
Incidental sign. A sign that provides information, directions, or instructions that are necessary for the physical use of the site. Examples of incidental signs include, but are not limited to, warnings, prohibited behavior, parking, rules, way-finding, business directories, traffic movement, pick-up and delivery areas, and public safety.

Inflatable sign. Any sign made of fabric or other material, inflated by air or gas to a point of semi-rigidity and placed on the ground.

Legally non-conforming sign. Includes any sign that does not comply with the provisions of the City Code, including this article, in its current form, but was installed in compliance with the City Code existing at the time of its installation or pursuant to appropriate City approvals and permitting.

Length, sign face. For a sign attached to a building or wall, the sign face length is measured from the outermost left edge of the structure surrounding the sign face to the outermost right edge of the structure surrounding the sign face.

In the examples below, the dimension line indicates the distance measurement used to calculate the width/length of the sign and the extending lines indicate the limits of each side of the sign.



Luminous tubing sign. A sign containing glass tube lighting in which a gas, electricity, and coatings are used in combination to create a colored light. The tubes may be used as an internal light source or may be shaped and used as a direct light source.

Major Highway. A road that is designated as a commercial thoroughway in the City's Road Code or that has been identified as having a functional class of major arterial or expressway in the Master Plan.

Marquee. A projecting canopy, shelter, or covering structure above the entrance to a building that is used as an entertainment, social, civic, or community space.

Marquee sign. A sign designed to have changeable copy and placed on a marquee. A marquee sign may be a freestanding sign or a wall sign.

Mixed Use Town Center. A physically and functionally coordinated area containing a mixture of three (3) or more integrated land uses and shared parking facilities, whose site design process involves the creation of a development plan with site-tailored design guidelines and standards, approved by the mayor and city council at schematic development plan review.

Monument sign. Any freestanding sign in which the entire bottom of the sign touches the ground and is constructed by affixing wood, stone, masonry, concrete, metal, stucco, or similar veneer to a freestanding solid structure that is either supported by its own ground-mounted base or supported by two (2) column-like supports.

Multi-tenant center. Any shopping center, office center or business center in which two (2) or more businesses abut each other on the site, share common parking facilities or driveways, or are otherwise related.

Non-commercial sign. All signs that do not conform to the definition herein of a commercial sign.

Non-conforming sign. A sign that met all City Code requirements at the time of installation or placement but which, due to changes in City Code, does not comply with current Code requirements.

Nonresidential. A property whose primary use is not single household residential, nor multiple household residential, nor any uses that are accessory to the primary residential use, such as a club house, leasing office, swimming pool, or other amenity. Where a property contains both residential and nonresidential uses, the primary use for purposes of this article is nonresidential. For purposes of this article, a boardinghouse is a single household residential use, a roominghouse is a single household residential use, a bed and breakfast is a nonresidential use, a family day care is a nonresidential use, and a home-based business is a nonresidential use.

Off-site sign. A sign focused on a sponsor or entity that does not conduct any activity on the land where the sign is located.

On-site sign. A sign focused on a sponsor or entity that conducts an activity on the land where the sign is located.

Painted wall sign. A sign applied to a building wall with paint, dye or other similar materials, and which has no sign structure.

Parapet. A false front or wall extension above the roofline of a principal building.

Permanent sign. Any sign that does not conform to the definition of a temporary sign herein, provided it is constructed of durable materials and is intended to remain indefinitely.

Pole sign. Any freestanding sign erected upon a pole (or poles) that is wholly independent of any building or other structure for support.

Portable sign. A durable sign that can be easily relocated and is not embedded in the ground nor affixed to a building or other structure. Portable signs include, but are not limited to, A-frame signs and signs carried, waved, or otherwise displayed by persons. Also known as a *moveable sign* or a *relocatable sign*.

Principal building. The primary structure, excluding ancillary, accessory, or attached structures or devices.

Principal sign. A sign on the building or property intended to have more significance than other signs on the building or property.

Projected Image Sign. A sign whose image is displayed on a building wall, freestanding wall, sidewalk, or other solid structure by means of light projection from a remote electronic device. Also known as a *virtual sign*.

Provision, Regulatory. A provision of this article that regulates the time, place, or manner of sign installation or display.

Provision, Permitting. A provision of this article that requires a sign permit be issued for the installation or display of a sign.

Residential, single household. A property whose primary use consists of an individual residential dwelling unit designed for or occupied by one household only, regardless of whether the ownership is fee simple or condominium. Single household residential includes only those dwelling units that comply with the definitions in Section 24-1 of "single unit (family) semidetached (duplex) dwelling," "single unit (family) detached dwelling," or "single unit (family) townhouse dwelling," as well as any accessory uses such as a club house, swimming pool, and other amenities. Properties that contain both one single unit dwelling and one accessory dwelling (such as an urban cottage), are a single household residential use for purposes of this article. Where a property contains both residential and nonresidential uses, the primary use for purposes of this article is nonresidential. For purposes of this article, a boardinghouse is a single household residential use, a rooming house is a single household residential use, a bed and breakfast is a nonresidential use, a family day care is a nonresidential use, and a home-based business is a nonresidential use.

Residential, multiple household. A property whose primary use consists of multiple residential dwelling units, and may include accessory uses such as a leasing office, fitness room, club house, swimming pool, and other amenities. Multiple household residential includes only those dwelling units that comply with the definitions in Section 24-1 of "single unit (family) attached dwelling" or "multiple-unit (family) dwelling," and

any associated accessory uses. Where a property contains both residential and nonresidential uses, the primary use for purposes of this article is nonresidential. For purposes of this article, a boardinghouse is a single household residential use, a rooming house is a single household residential use, a bed and breakfast is a nonresidential use, a family day care is a nonresidential use, and a home-based business is a nonresidential use.

Roof line. Considered the apparent uppermost edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette or facade.

Seasonal event. A natural, cultural, religious, or social event that occurs only once or a few times each calendar year. Examples of seasonal events include, but are not limited to, the changing of the seasons, sporting events, history and heritage months, April Fool's Day, Kwanzaa, and Earth Day. Elections are not seasonal events, nor are real estate sales, grand openings, and similar commercial events.

Shelter sign. Any building sign that is part of or attached to an awning, a canopy, or other structural protective cover over a door, entrance, window, wall, sidewalk, or outdoor service area.

Sign. Any device, object, or thing that (1) is in the shape of or contains letters, characters, graphics, or symbols and (2) is used or intended to direct, identify, or inform the public and (3) can be viewed by the public while outdoors. The following are NOT signs:

- (a) Flags, as defined herein.
- (b) Audible sounds (even when used as advertising).
- (c) Addresses, whether numbers/letters or a combination of numbers/letters and the street name.
- (d) Any device, object, or thing that is in the shape of a graphic or symbol, or contains only graphics or symbols, and said graphics and symbols are not used as an identifying mark, trade mark, or corporate logo.
- (e) Murals and other works of art.
- (f) Architectural features, lighting, and ornamentation.
- (g) Wind Chimes, bird feeders, pet dishes, welcome mats, mailboxes, door knockers, and similar items.

Sign face. The part of the sign that is or can be used to identify, advertise, or communicate information or can be used for visual representation, which attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if they are so designed with lighting or other ornamentation that they are incorporated into the overall sign design.

Sponsor. The owner, lessor, or lessee of a sign, or their authorized agent.

Street, private. Any road, street, or alley that is not publicly owned and maintained, which is used for access by the occupants of the development, their guests, and the general public.

Street, public. Any road, street, or alley constructed within the boundaries of an officially accepted public right-of-way, which has been deeded or dedicated by plat for general public use and is maintained by a federal, state, county, or municipal government.

Structurally altered. When a sign is substantially altered, reconstructed, replaced, or relocated. For purposes of this article, altering fifty (50) percent or more of the sign face or sign structure constitutes a substantial alteration. Portable signs that are relocated are not structurally altered.

Subdivision, overall. A geographic area that is included in recorded subdivision plats, all of which use the same name for the subdivision in the title block shown on each plat. Any property that is not included in a recorded subdivision plat is not part of any subdivision.

Subdivision, overall nonresidential or mixed-use. An overall subdivision where less than ninety percent (90%) of the buildable lots and parcels are used as single household residential, multiple household residential, or a combination of those two uses.

Subdivision, overall residential. An overall subdivision where at least ninety percent (90%) of the buildable lots and parcels are used as single household residential, multiple household residential, or a combination of those two uses.

Temporary sign. Any sign intended to be displayed for a limited time period.

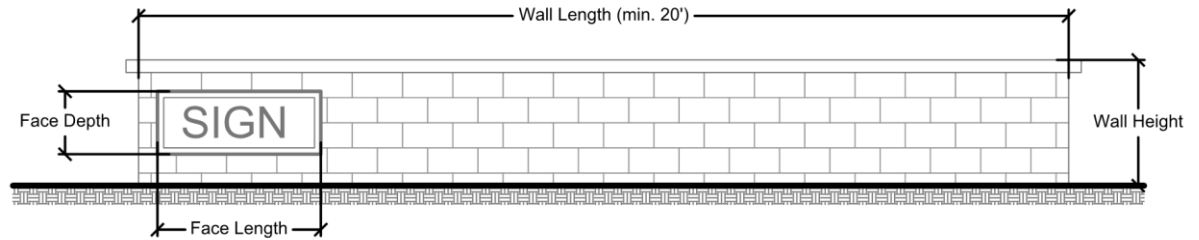
Traffic control sign. Any sign found in the Manual of Uniform Traffic Control Devices (MUTCD), as may be amended from time to time, or any sign erected for traffic control purposes by or under the authority of a federal, state, county, or municipal government.

Vehicle. Any device used to transport persons or goods, including but not limited to, motor vehicles, motorcycles, trailers, scooters, wagons, tricycles, and bicycles.

Vehicle sign. A sign placed on any vehicle, trailer, or other movable device, which reasonably indicates an intent to make principal use of such vehicle or device as a sign.

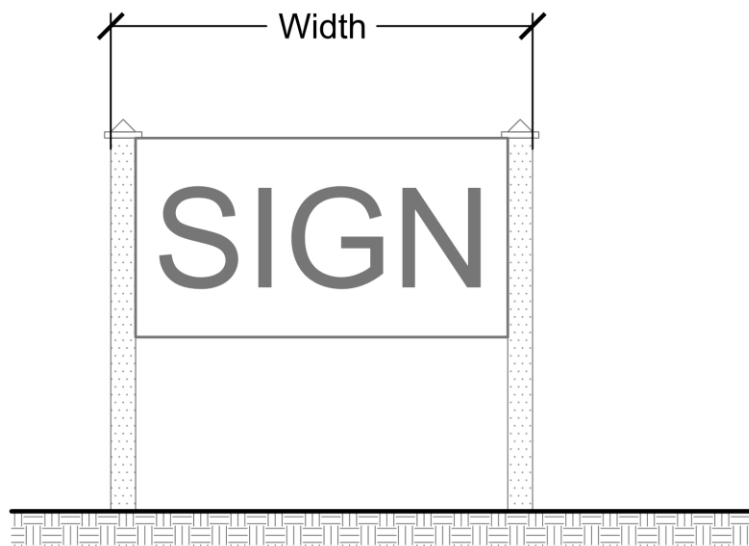
View shed. The area within view from a defined observation point.

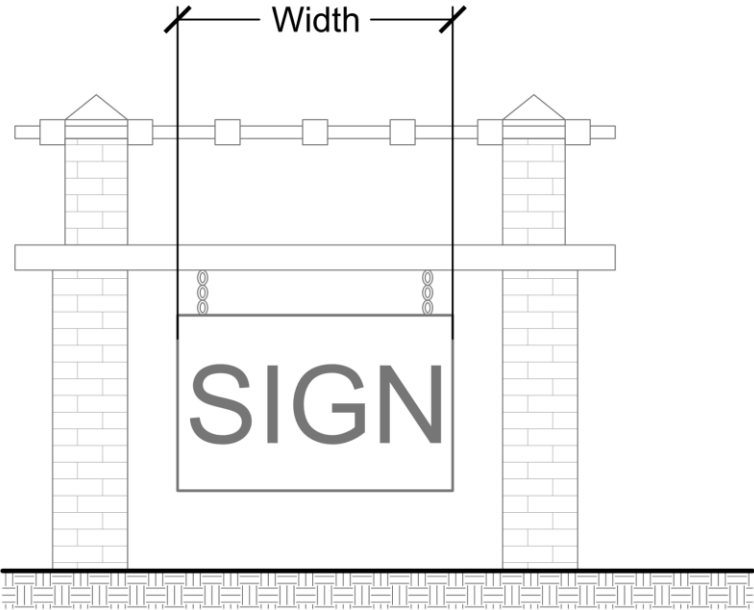
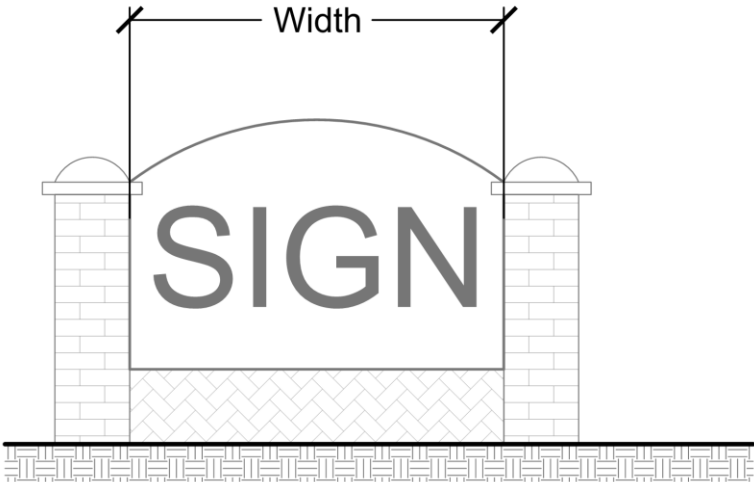
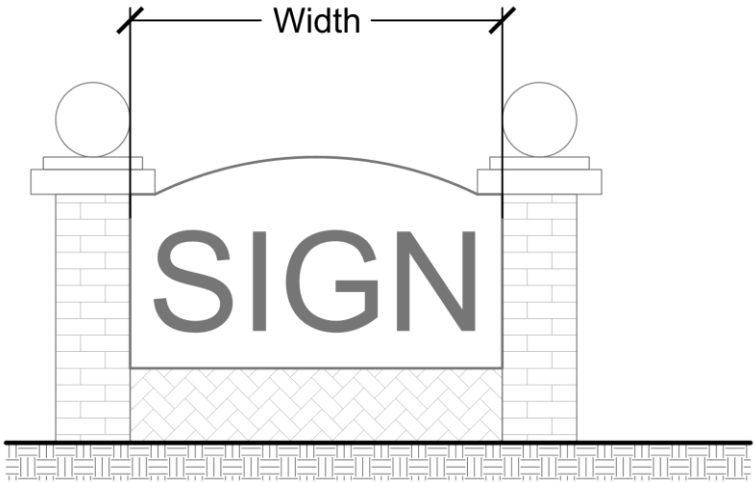
Wall sign. Any sign that is attached to a freestanding wall that is not part of a building. For purposes of this article and definition, a wall must be at least twenty (20) feet long in order qualify as a wall sign. A sign attached to a wall that is shorter than 20 feet in length is either a monument sign (if the wall base touches the ground) or a freestanding sign (if the wall base does not touch the ground).



Width, freestanding sign. For a freestanding sign not attached to a building or wall, the width is measured from the left outermost surface of the supporting structure surrounding the sign face to the right outermost surface of the supporting structure surrounding the sign face. Where decorative columns wider than 6 inches are used on both sides of the sign face, the columns are excluded from the width measurement. Where decorative architectural framing or elements are used to surround the sign face, the architectural framing and elements are excluded from the width measurement.

In the examples below, the dimension line indicates the distance measurement used to calculate the width of the freestanding sign and the extending lines indicate the limits of each side of the sign.





Window sign. Any permanent or temporary sign displayed on or within one (1) foot of the inside or outside surface of a window located in the façade of a building. Window signs include those signs that are attached to or painted on the surface of a window. Also known as a façade window sign.

Sec. 24-210 Applicability, minimum requirements, and severability.

(a) Applicability. Article IX is intended to be applied to signs in the following manner.

(1) Items, objects, and things subject to Article IX

- a. Only those items, objects, and other things that conform to the definition of “sign” in this Article are subject to provisions of this Article.
- b. Items, objects, and other things that do not conform to the definition of “sign” within this Article are not subject to the provisions of this Article.
- c. Unless otherwise provided for by this Article or the City Code, all new sign installations must comply with this Article and the City Code at the time of installation.

(2) Comprehensive sign packages

- a. Comprehensive sign packages approved by the Planning Commission or Mayor and City Council prior to the effective date of this Article remain valid and in full force and effect.
- b. Any sign that does not comply with this Article, which is located on a property or development that is the subject of a comprehensive sign package approved by the Planning Commission or Mayor and City Council prior to the effective date of this Article, is a legal nonconforming sign and is allowed to be replaced with a new sign that conforms to the previously-approved sign package, even if such a replacement sign violates this article.
- c. Following the effective date of this Article, the Planning Commission or Mayor and City Council may grant a minor waiver to approve a comprehensive sign package for a property or development that includes provisions that deviate from the standards of this Article, subject to provisions of Section 24-213(a) of this article.

- d. Where a conflict exists between an adopted comprehensive sign package for a specific development and the provisions of Chapter 24, the comprehensive sign package controls.

(3) Design guidelines

- a. Design guidelines adopted for the CD, CBD, and MXD zones, and approved by resolution of the Planning Commission or Mayor and City Council prior to the effective date of this Article, are incorporated into this article, remain valid and in full force and effect, and are binding pursuant to Chapter 24 of the City Code.
- b. Following the effective date of this Article, the Planning Commission or Mayor and City Council may approve design guidelines for a property or development that include provisions that deviate from the standards of this Article.
- c. Where a conflict exists between adopted design guidelines for a specific development and the provisions of Chapter 24, the guidelines control.

(4) Signs not subject to Regulation.

Unless otherwise provided for by this Article or the City Code, the following signs are not subject to the regulatory provisions of this Article, but are still subject to the sign permit provisions of this Article and may be subject to other federal, state, county, or city regulations and permits.

- a. When located on property used as multiple family residential, temporary signs larger than twelve (12) square feet in size or taller than six (6) feet in height, which refer to and are displayed within twenty (20) days of a seasonal event or officially recognized federal, state, or local holiday.
- b. When located on non-residential property, temporary signs larger than twenty (20) square feet in size or taller than eight (8) feet in height, which refer to and are displayed within twenty (20) days of a seasonal event or officially recognized federal, state, or local holiday.

(5) Signs not subject to Permits.

Unless otherwise provided for by this Article or the City Code, the following signs are not subject to the permitting provisions of this Article, but are still subject to the regulatory provisions of this Article and must be included in the calculation for the total allowable signage on the property.

- a. Freestanding signs one (1) square foot or smaller in area.
- b. Freestanding signs six (6) square feet or smaller in area that do not have a foundation or footing.
- c. Window signs.
- d. Projected image signs.
- e. Building signs two (2) square feet or smaller in area.
- f. When located on nonresidential property, noncommercial temporary signs that are held or worn by a person.

(6) Signs not subject to Regulation nor Permits.

Unless otherwise provided for by this Article or the City Code, the following signs are not subject to the regulatory and permitting provisions of this Article and are not included in the total allowable signage calculation, but are also not allowed in a public right of way. Such signs may be subject to other regulatory and permit provisions of the City Code, such as a requirement to obtain building permits, electrical permits, site development permits, floodplain permits, or stormwater management approvals. Such signs may also be subject to other federal, state, or county regulations and permits.

- a. Commercial signs, accessory.
 - i. Signs associated with an outdoor display of products.
 - ii. Signs located outdoors that are associated with a vending machine, video rental machine, lottery games dispenser, ice machine, coin exchanger, amusement ride, news rack, or similar device.
 - iii. Signs on tables, chairs, umbrellas, napkins, tableware, and similar items that are located within an approved outdoor seating area.
- b. Integral part of structure.
 - i. Names of buildings, dates of erection, monumental citations, commemorative tablets and similar are allowed when carved into stone, concrete, or similar material, or are made of bronze, aluminum, or other permanent-type construction, and made an integral part of the structure.
- c. Interior signs.
 - i. Signs that are located within a building and placed more than one (1) foot from the interior side of a façade window.

- d. Murals, works of visual art, and landscaping containing letters or words that either
 - i. Do not include a commercial business, product, or service offered on the property; OR
 - ii. Have been approved for display by the Mayor and City Council or a City commission, board, or committee.
- e. Public signs.
 - i. Signs that are sponsored by a government entity, agent, franchisee, or instrumentality.
 - ii. Addresses, including but not limited to street numbers, street names, street types, suite numbers, apartment numbers, and unit numbers.
 - iii. Signs of a noncommercial nature and in the public interest such as directional signs, regulatory signs, warning signs, and informational signs, which may be installed by or on the order of, public officers in the performance of their duty.
- f. Seasonal event signs.
 - i. When located on multifamily residential property, temporary signs twenty (20) square feet in size or smaller and shorter than eight (8) feet in height, which refer to a seasonal event or officially recognized federal, state, or local holiday and are displayed within twenty (20) days of that seasonal event or officially recognized federal, state, or local holiday.
 - ii. When located on nonresidential property, temporary signs twenty (20) square feet in size or smaller and shorter than eight (8) feet in height, which refer to a seasonal event or officially recognized federal, state, or local holiday and are displayed within twenty (20) days of that seasonal event or officially recognized federal, state, or local holiday.
- g. Single family residential.
 - i. When located on property used as single family residential, signs placed in a rear yard or side yard that are not visible from the nearest street or road.
 - ii. When located on property used as single family residential, temporary signs placed in a front yard that are associated with seasonal events or a religious, national, state, county, or municipal holiday.

iii. When located on property used as single family residential, temporary signs placed in a front yard that are associated with a celebratory event such as a wedding, graduation, homecoming, achievement, or birth.

iv. When located on property used as single family residential, incidental signs placed in a front yard.

h. Vehicle signs.

i. Signs located on a continuously moving vehicle that are accessory and incidental to the primary use as a vehicle.

ii. Signs that are located on a vehicle parked in a private parking lot, private parking space, private driveway, private alley, or private garage.

iii. Signs that are located on a vehicle that is stored or placed on a porch, in a yard, or on other private property.

i. Signs smaller than one (1) square foot attached to a vehicle, building, refuse or recycling receptacle, fence, utility box, or item of clothing.

j. Signs associated with gravestones, tombs, and other types of internments

(b) Minimum Requirements.

In addition to the general statement of Section 24-2, the provisions of this article are the minimum requirements for the installation, erection, location, alteration, replacement, improvement, and maintenance of all signs as defined herein.

(c) Code conflicts.

Where a conflict arises within this article, or between this article and another section of the City Code, the more restrictive language applies.

(d) Severability.

This Article is subject to the general severability statement of Section 1-6 of the City of Gaithersburg Code.

Sec. 24-210A General provisions.

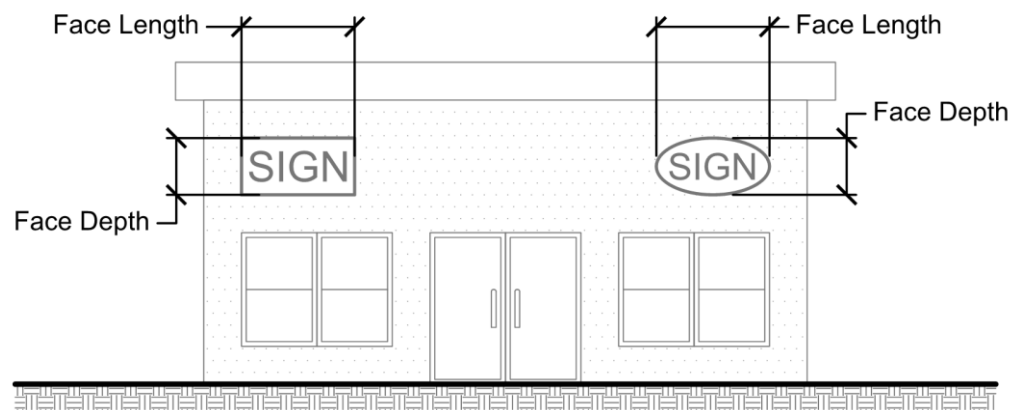
Except as otherwise specifically provided in this article, the following general provisions apply in all zones and rights of way:

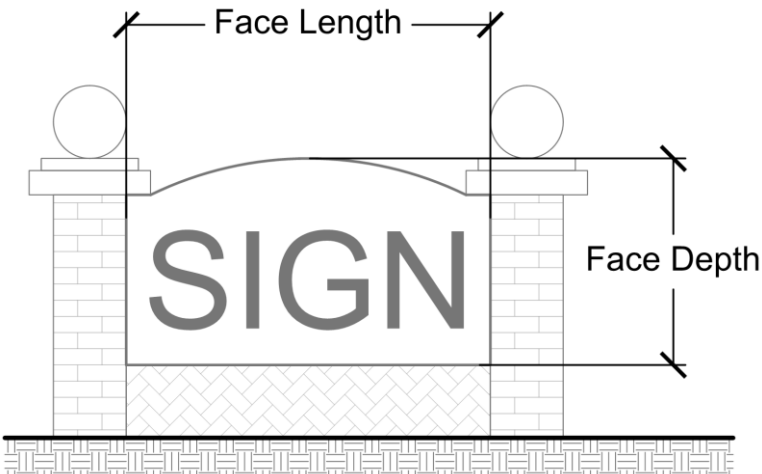
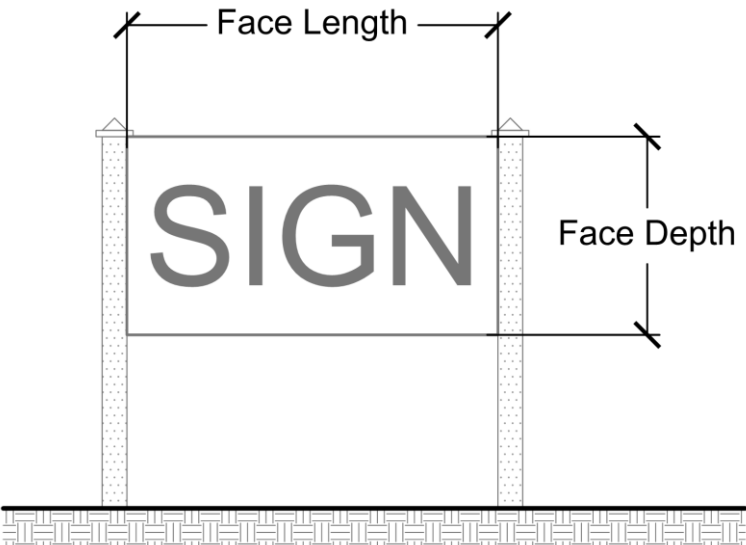
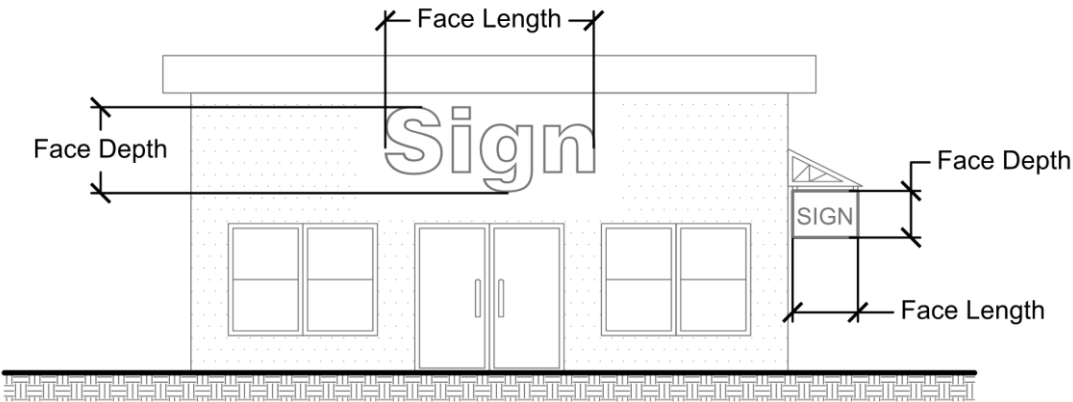
(a) Area computation for lot requirements:

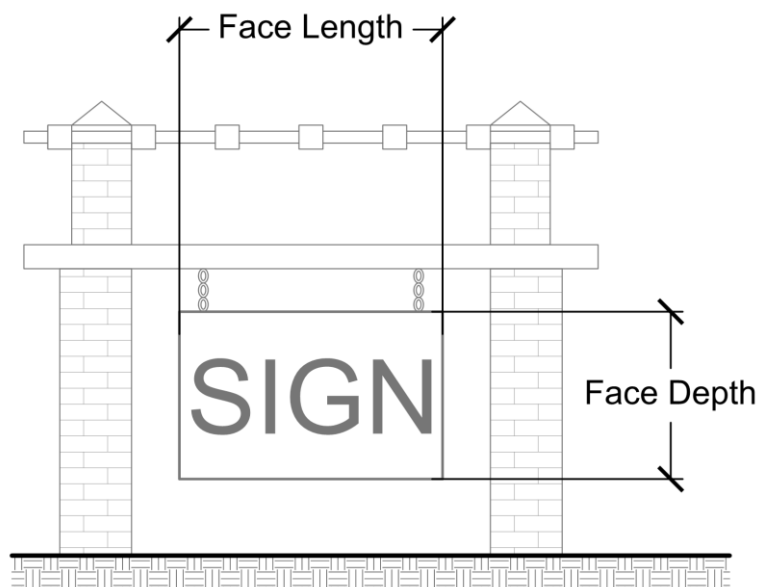
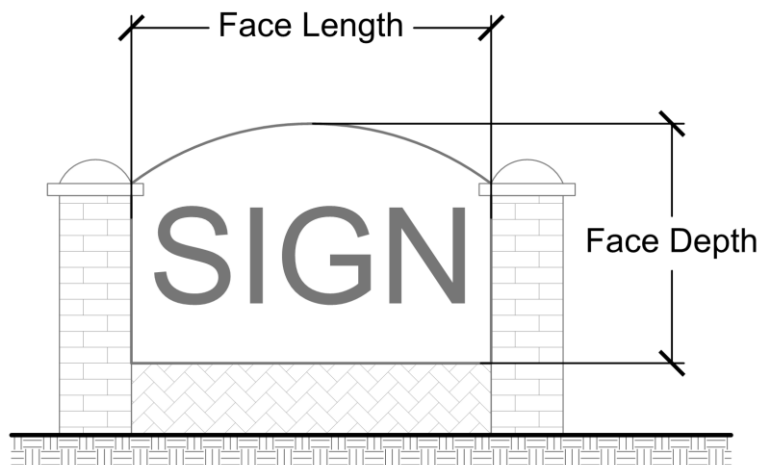
- (1) Unless otherwise specified in this article, where a regulation of this article includes a lot area requirement, the term “lot” consists of lots of record and any lot, parcel, or outlot included on a recorded subdivision plat.
- (2) Where a regulation of this article includes a lot area requirement, the entire area specified is required, unless the phrase “or portion thereof” follows the requirement. For example, if the regulation requires three (3) acres of lot area per sign and the subject lot is only two (2) acres, no sign is allowed.
- (3) Where a regulation of this article includes a lot area requirement and includes the phrase “or portion thereof,” any fraction of the lot area satisfies the requirement. For example, if the regulation requires three (3) acres of lot area or portion thereof per sign and the subject lot is four (4) acres in size, two (2) signs are allowed, one for the three full acres and one for the remaining partial area (one acre) of the next three full acres.

(b) Area computation for signs:

- (1) The area of a sign includes the entire face of the sign, plus any supporting backboard or raceway, plus any wall work incidental to its decoration, and includes the space between letters, figures and designs.
- (2) The area of a sign is calculated by multiplying the sign face length by the sign face depth.







- (3) All sides of a sign that are visible from any one vantage point must be measured in determining the area of a sign.
- a. If the two (2) sides of the sign are back-to-back or separated by an angle of forty-five (45) degrees or less, only one side of the sign is used for the area calculation, but where the two (2) sides of such a sign are not equal in size, the larger side must be used for the total area calculation. An example of this type of sign is a double-face sign.
 - b. If the two (2) sides of the sign are separated by an angle greater than forty-five (45) degrees, both sides of the sign are used for the area calculation and each side is calculated separately.

- (4) The planning commission may grant a minor waiver to allow an on-site permanent sign to exceed the maximum allowable size, subject to the provisions of Section 24-213(a).
- (c) Signs included in total allowable signage:
 - (1) Unless otherwise provided for in this article, all permanent on-site signs installed on a property must be included in the calculation for the total amount of signage allowed on the property. Permanent off-site signs must be included in the calculation for the total amount of signage allowed on the property where the off-site sign is located.
 - (2) The following signs are not included in the total allowable signage calculation:
 - a. Incidental signs, as defined herein.
 - b. Geographic area signs, as defined herein.
 - c. Temporary signs.
 - d. Signs exempt from regulation under Sections 24-210A(a)(4) and 24-210A(a)(6).
- (d) Limitation of sign height:
 - (1) Refer to the definitions section of this Article for the calculation of sign height.
 - (2) Unless otherwise specified by a section of this Article, signs not attached to a building must not exceed ten (10) feet in height.
 - (3) The planning commission may grant a minor waiver to allow a permanent on-site sign not attached to a building to exceed the maximum allowable height, subject to the provisions of 24-218(a).
- (e) Sign Lighting Requirements. The light source intended to illuminate a sign must be shaded, shielded or directed so that:
 - (1) The light intensity or brightness does not adversely affect vision on surrounding or facing premises
 - (2) The light intensity or brightness does not adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways, or parking areas.
- (f) Non-English language signs: Each application for a non-English language sign shall contain an English translation or English-language description of the wording of the sign and business activity.

(g) Placement or location:

- (1) A freestanding sign, other than an incidental sign as defined by Section 24-209, must be placed at least two (2) feet from any other freestanding sign.
- (2) Within the same lot, a monument sign must be placed at least ten (10) feet from any freestanding sign, other than a monument sign. For purposes of this regulation, the distance must be measured from the outermost edge of each sign face or surrounding frame (even if decorative), whichever results in the shortest distance between the signs.
- (3) A sign must not be placed in a location that impedes safe sight distance for vehicles, bicycles, and pedestrians.
- (4) A sign must not overlap, block, nor interfere with the ability to see any other sign.
- (5) A sign must not interfere with the operation of any door, fire escape, stairway, nor any opening intended to provide ingress or egress to or from any building or structure.
- (6) The lowest point of any sign that extends over an area intended for pedestrian use must not be less than seven (7) feet above the finished grade below it.
- (7) Unless installed for safety considerations in a structured parking facility or drive-through area, the lowest point of any sign that extends over an area intended for vehicular use must not be less than fourteen (14) feet above the finished grade below it.
- (8) If a sign will be located within an easement area, the beneficiary of the easement must provide written approval of the sign to the City prior to its installation.
- (9) Unless otherwise indicated in this article, signs are allowed within any yard or building restriction line setback area.

(h) Public right-of-way:

- (1) In order to avoid overuse of a limited public resource and minimize visual competition between public signs and private signs, unless ~~Except as~~ otherwise provided in this subsection or this article, a sign must not be placed in any city, county, state, or federal right-of-way except:
 - a. Signs installed by a public agency.
 - b. Signs located on a continuously moving vehicle that are accessory to and incidental to the primary use as a vehicle.

- c. Noncommercial signs that are held or worn by a person, but such signs must not be larger than six (6) square feet in size.
- d. Geographic area signs, as defined herein, provided that such a sign:
 - i. Must not be located so as to constitute a hazard to the safety of motorists and pedestrians; and
 - ii. Has received any necessary approvals and permits from the right of way owner; and
 - iii. Is subject to the approval of the city manager or designee; and
 - iv. Is installed pursuant to a revocable sign permit, the issuance of which is conditioned upon removal of the sign at no cost to the City at such time as the city manager or designee may direct.
- e. Temporary signs, subject to the following regulations:
 - i. Such a sign must be located so that it does not impede the flow of, nor constitute a safety hazard to, motorists, bicyclists, and pedestrians; and
 - ii. Such a sign must not impede nor be a danger to public safety; and
 - iii. Such a sign must not cause damage to the right of way; and
 - iv. Such a sign must not be attached to utility poles, utility cabinets, fire hydrants, trees, traffic enforcement devices, nor traffic control devices; and
 - v. Such a sign must not exceed three (3) feet in height nor three (3) feet in width, including any supporting structure; and
 - vi. Such a sign must have a sign face that is three (3) square feet in area or smaller, including any surrounding frame; and
 - vii. Such a sign must be placed a minimum of six (6) feet from any other sign, as measured from any part of the sign's face and supporting structure to any part of the other sign's face and supporting structure; and

- viii. Such a sign must be placed so that its sign face is a minimum of six (6) inches from the vertical plane of any curb face, sidewalk, or pavement edge of a street; and
- ix. Such a sign may be placed in the public right of way only on weekends between the hours of noon Friday and Sundown on the following Monday; and
- x. Unless otherwise specified on the sign, the sponsor of such a sign, which is presumed to be the company or person identified on the sign, is responsible for the safe installation and removal of the sign; and
- xi. The city may remove any sign in violation of this section at the sign sponsor's cost, and may seek recovery of reasonable costs for such removal and costs to repair any damage to the right of way caused by such signs.
- ~~(2) Except for those signs installed or authorized to be installed by a public agency, signs must not be attached to utility poles or public traffic control signs, and must not be placed in median strips.~~
- (2) (3) Unless allowed under § 24-210A(h)(1)e., signs must not be placed in any area designated as a proposed right-of-way on the most recently approved and adopted master plan of the city, except signs issued pursuant to a revocable sign permit:
 - a. Such a revocable sign permit, whether for a permanent or temporary sign, will automatically expire sixty (60) days prior to the initiation of construction within said right-of-way.
 - b. In the case of permanent signs, the city manager or designee must first review said sign as to its compatibility and traffic safety prior to a revocable sign permit being issued by the city manager or designee.
 - c. The issuance of a revocable sign permit is conditioned upon removal of the sign at no cost to the city and right of way owner at such time as the city manager or designee may direct.
- (i) Nonconforming signs
 - (1) Any sign lawfully displayed on the effective date of this ordinance enacting this Article, which does not conform to this article, is a legally nonconforming sign and can remain until structurally altered, as defined herein.

Sec. 24-210B Standards for specific sign types.

Except as otherwise specifically provided in this article, the following standards for specific sign types apply in all zones and rights of way, and are in addition to the standards found in Sections 24-211 (on-site permanent signs) and 24-211A (on-site temporary signs).

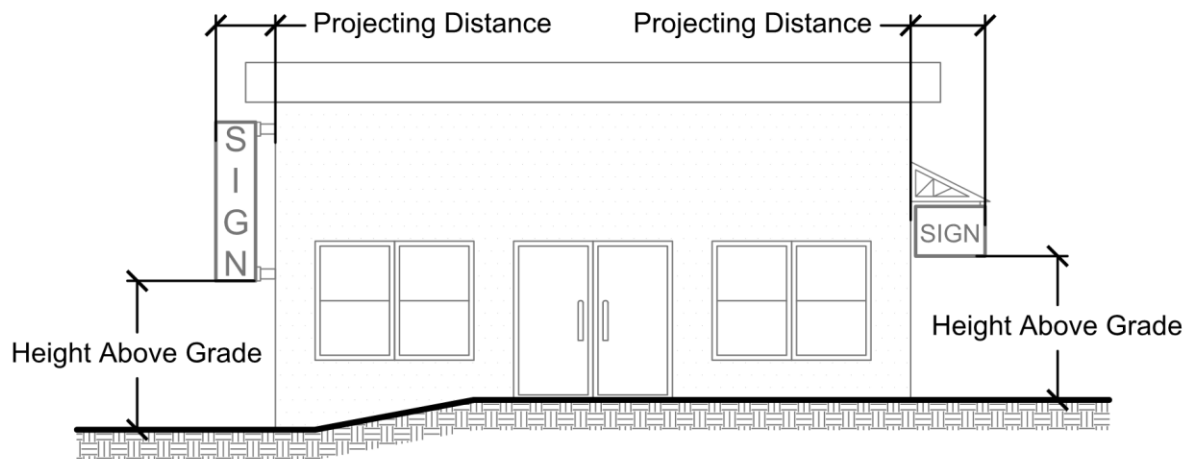
- (a) *A-frame signs.* One A-frame sign is allowed for each business and must comply with the following regulations:
 - (1) Must be located within twenty (20) feet of the entrance.
 - (2) Must be removed daily at the close of business and during periods of inclement weather.
 - (3) Must not impede the flow of pedestrians or vehicles, nor cause any safety problem related thereto.
 - (4) Must have a permit, which may be revoked at any time for violations of this article.
 - (5) Must be constructed of a sturdy, durable, heavy duty material.
 - (6) The total area of any A-frame sign is included in the total allowable signage for any one tenant or business.
 - (7) Unless specifically allowed in writing by the city manager or designee, an A-frame sign must not be placed in the public right-of-way.
- (b) *Banners, freestanding.* Temporary freestanding banners, such as feather and teardrop signs, are allowed and must comply with the following regulations:
 - (1) Must not impede the flow of pedestrians or vehicles, nor cause any safety problem related thereto.
 - (2) Must be installed in the ground or attached to a sturdy base that resists displacement and overturning due to wind.
 - (3) Must be removed during periods of inclement weather.
 - (4) Unless specifically allowed in writing by the city manager or designee, a temporary freestanding banner must not be placed in the public right-of-way.
- (c) *Blade signs.*
 - (1) A blade sign and related supporting structure must not project more than forty-two (42) inches from the wall of a building, as measured to the outermost edge of the sign face and surrounding structure.
 - (2) A blade sign must not be located within two (2) feet of a public right of way.

(3) Height above grade:

- a. A blade sign must be a minimum of seven (7) feet above the ground level of an area used by pedestrians.
- b. If located above an area used not by pedestrians, a blade sign must be a minimum of ten (10) feet from the ground level at the base of the building.

(4) The sign and supporting structure must not extend above the roofline.

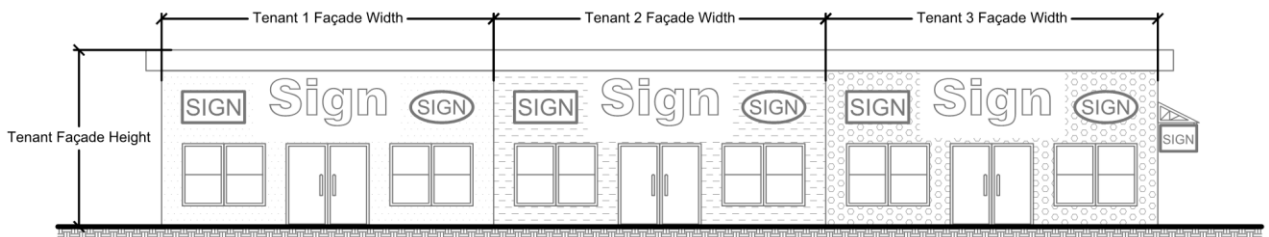
(5) The sign and supporting structure must be located in such a manner as to not cover any part of a window, nor obstruct light and vision of a window.



(d) Building signs.

- (1) A building sign and its supporting structure must not cover any window nor any part of a window.
- (2) A building sign must not extend above the roofline or parapet wall.
- (3) A building sign must not be located on that portion of a commercial or industrial building or structure facing abutting residentially-improved property, unless said residential property is separated by an improved public or private street from the property upon which said signs are located.
 - a. The planning commission may grant a minor waiver to allow a non-illuminated wall sign that faces abutting residentially-improved property, subject to Section 24-213(a) of this article, and the following:
 - i. The planning commission finds that an unlighted sign is compatible with the overall design of the building and the abutting residential area.

- (4) Illuminated channel letters, halo-lighted letters, luminous tubing, or internally illuminated signs are allowed on buildings more than ten (10) feet from the curb face of the right of way of the street abutting the building. Signs installed on buildings within ten (10) feet of the abutting curb face of the right of way must be non-illuminated or must use external illumination.
- (5) Ancillary building signs are allowed in addition to a principal building sign, subject to the following regulations:
- a. An ancillary building sign must have
 - i. A letter height that is shorter than and subordinate to that used on the principal sign for the tenant or business; and
 - ii. An overall sign face size that is smaller than and subordinate to that used on the principal sign for the tenant or business.
 - b. Such ancillary building signs must be included in the total allowable square footage for that tenant or building.
- (6) Signs for individual businesses within a shopping center or other commercial building are subject to the following regulations:
- a. Such building signs must have letters that are proportional to the area or background on which the letters are placed.
 - b. Multiple-tenant buildings, such as in shopping centers or office buildings, must not exceed one principal building sign per tenant, and such signs must only be attached to those façades of the building that are allowed to have signage.
 - c. The amount of building signage allowed for an individual tenant is limited to the façade area adjacent to the tenant space.



- (7) Single-tenant buildings are allowed only one principal building sign on each façade of the building allowed to have signage.

(e) Changeable copy signs.

- (1) Changeable copy signs, as defined herein, are only allowed on buildings or properties:
- a. Used for civic, religious, community, or quasi-public purposes; or

- b. Used as cinemas, movie theatres, stage theaters, and similar entertainment venues; or
- c. Used as automobile filling stations.

(f) *Electronic message displays.* Approval of an electronic message displays is subject to the following regulations:

- (1) An electronic message display may be used as or integrated into a permanent building sign or permanent monument sign, but must not be used as nor integrated into any other sign type, except as provided under Section 24-210B(h) [geographic area signs].
- (2) An electronic changeable message display must not be used as part of a temporary sign.
- (3) An electronic message display must not have any distracting appearance of motion, flashing, blinking, or shimmering, and must not constitute a safety hazard by distraction of drivers. The display must remain static for a minimum of six (6) seconds with instantaneous change of the display; i.e., no "fading" in/out of the message.
- (4) An electronic message display must be located so that it is a minimum of three hundred (300) feet from the right of way used for any controlled-access highway or ramp.
- (5) Individual letter height must be a minimum of five (5) inches.
- (6) The brightness of the electronic message display must be limited to a maximum luminance of five thousand (5,000) nits (candelas per square meter) during daylight and five hundred (500) nits (candelas per square meter) between dusk and dawn.
- (7) An electronic message display must have an automatic brightness control keyed to ambient light levels so that at no time the display exceeds a brightness level of three-tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter. Where this subsection and subsection (6) conflict, the more restrictive of the two (2) regulations controls.
- (8) An electronic message display must go dark if there is a malfunction.
- (9) When located within one hundred (100) feet of any single-family residential use, the electronic message display must be oriented so that no portion of the message display face is visible from an existing or permitted residential structure on that lot. Landscape screening or fencing may be used to block the view of the electronic message display from the residential structure.

(g) Decorative pole banners.

- (1) The sign face of a decorative pole banner must not exceed six (6) feet in depth.
- (2) The sign face of a decorative pole banner must not exceed three (3) feet in length.
- (3) The outermost sign face edge of a decorative pole banner must not project more than four (4) feet from the supporting pole or wall.
- (3) A decorative pole banner must comply with the height above grade requirements of Sections 24-210A(g)(5) and 24-210A(g)(6).
- (4) If such a decorative pole banner includes words, the area of the banner containing the words must be included in the total allowable signage.

(h) Geographic area signs.

- (1) Geographic area signs, as defined herein, may be a monument sign or may be attached to a building wall or a decorative wall.
- (2) Any such sign must not impair site distance to safe egress from the property.
- (3) All geographic area signs must be compatible in appearance and design with the surrounding landscape or buildings to which they are affixed.
- (4) If the geographic area sign is located within a subdivision that has a ~~homeowner's common ownership~~ association, the sign must be placed on: ~~located on commonly owned property.~~
 - a. Commonly-owned property; or
 - b. Property owned by the master developer; or
 - c. Some other property identified on an approved site plan.
- (5) If the geographic area sign is located within a subdivision that does not have a ~~homeowner's common ownership~~ association, the sign must be placed:
 - a. On a property that is located within the overall subdivision; and
 - b. At the edge or entrance to the overall subdivision; and
 - c. Within an easement area or subject to a covenant or similar agreement approved by the city and property owner, which assigns the responsibility for maintenance, liability, enforcement, and similar issues.
- (6) If such a geographic area sign is located within a public right of way, it must comply with the provisions of § 24-210A(h)(1)d.

~~(6)~~(7) The planning commission may grant a minor waiver to allow a changeable copy sign or electronic message display to be used as or integrated into a geographic area sign, subject to the provisions of Section 24-213(a) of this article.

(i) Incidental signs.

(1) A permanent incidental sign must not exceed twelve (12) square feet in size for the sign face, nor exceed six (6) feet in height.

(j) Internally illuminated box signs.

(1) The sign face of an internally illuminated box sign must not exceed four (4) square feet in size.

(2) Internally illuminated box signs with sign faces larger than four (4) square feet in size are prohibited, unless the background is opaque so that only the letters, characters, logos, symbols, or graphics are illuminated.

(3) Any existing internally illuminated box sign installed before the effective date of this article that has a sign face larger than four (4) square feet and has an illuminated background may remain until it is structurally altered, at which time it must conform to this article.

(k) Marquee signs.

(1) Where allowed, marquee signs must either:

a. Be placed on the vertical faces of a marquee, or

b. Project below the lower edge of a marquee not more than twenty-four (24) inches, but the bottom of a sign placed on a marquee must be no less than ten (10) feet above the sidewalk or grade at any point.

(2) No part of the sign can project above the top of the vertical faces of a marquee.

(3) Signs are not allowed anywhere on a marquee that projects over any public right-of-way.

(4) The planning commission, as part of a site plan review, must determine the sign face size and height requirements for theater marquees.

(l) Monument signs.

(1) For each lot of record, at least one monument sign is allowed, which must be placed along a public or private right of way adjoining the property.

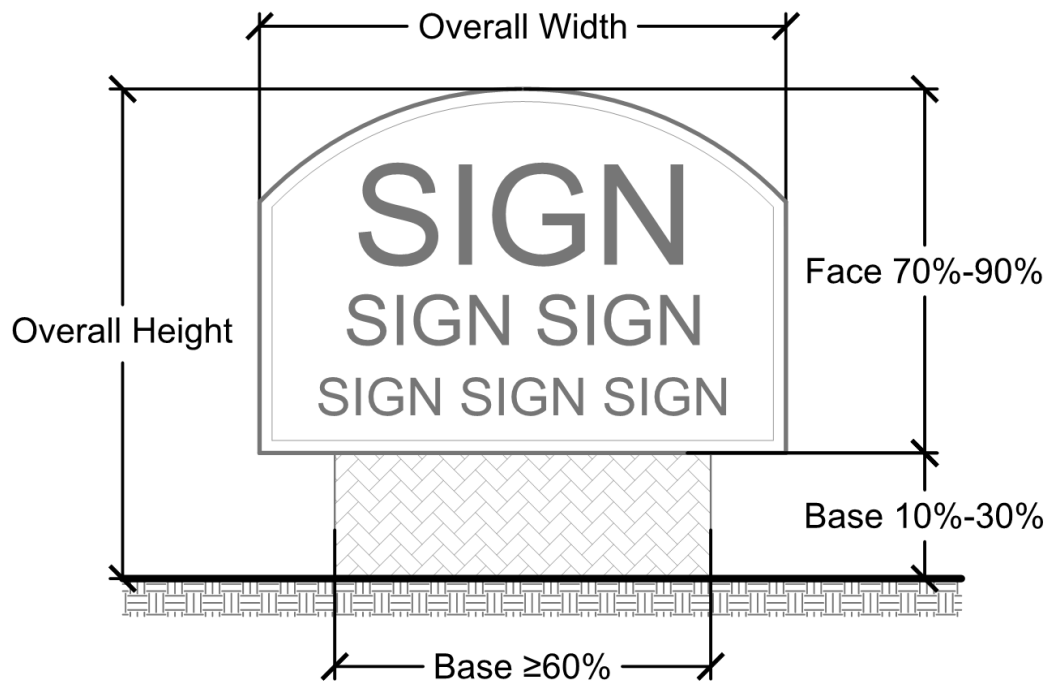
- (2) For each lot of record, which has more than one public or private right of way adjoining the property, the following regulations apply:
- a. When two or more monument signs are installed, at least one of the monument signs must be located along a public or private right of way, unless otherwise approved by the Planning Commission.
 - b. When multiple monument signs are installed, they must be located and oriented so that either:
 - i. Only one sign is visible in any one view shed, or
 - ii. The distance between signs in the same view shed is at least five hundred (500) feet.
 - c. If only one monument sign is installed, it must be placed along a public right of way, if one adjoins the property; otherwise, the monument sign must be placed along the private right of way nearest to the main entrance of the principal building.
- (3) A monument sign may use illumination, subject to the following regulations:
- a. Internal illumination.
 - i. Only the letters, logos, symbols, graphics, and characters on the sign are illuminated (usually in the form of cutouts); and
 - ii. Direct illumination may be used in combination with internal illumination; and
 - iii. The remainder of the sign face is opaque; and
 - iv. External illumination must not be used.
 - b. Direct illumination.
 - i. Illuminated channel letters, halo-style letters, and luminous tubing may be used for direct illumination; and
 - ii. An electronic message display may be included in a monument sign; and
 - iii. Internal illumination may be used in combination with direct illumination; and
 - iv. The remainder of the sign face must be opaque; and
 - v. External illumination must not be used.

c. External illumination.

- i. Internal illumination must not be used; and
- ii. Direct illumination must not be used; and
- iii. The sign permit must include a lighting plan.

(4) A monument sign must include a base that:

- a. Touches the ground along its entire length; and
- b. Is at least sixty percent (60%) as wide as the sign face above; and
- c. Has a minimum height of ten percent (10%) of the overall sign height (including the base portion); and
- d. Has a maximum height of thirty (30%) percent of the overall sign height (including the base portion); and



(5) Landscaping must be provided for the base of the monument sign and the associated sign permit must include a landscape plan.

(6) Individual letter height must not be less than seven (7) inches, unless approved as a minor waiver granted by the planning commission, subject to the provisions of Section 24-213(a) of this article.

(7) To improve wayfinding and public safety response, monument signs for multi-tenant centers must include its main address or range of addresses, and such signs are encouraged to include the name of the center.

(8) The planning commission may grant a major waiver for a monument sign larger than the maximum allowable size, subject to the provisions of Section 24-213(b) of this article.

(m) *Projecting image signs.*

(1) The area of the projected image sign must be calculated by measuring the size of the projected image. The size of the device producing the image is not used.

(2) The brightness of the projected image must be keyed to ambient light levels so that at no time the image exceeds a brightness level of three-tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter.

(3) The projected image must not have any movement, flashing, blinking, or shimmering.

(4) The projected image must remain static and must not change.

(n) *Shelter signs.*

(1) Shelter signs may be installed on canopies, awnings, or similar shelters.

(2) Shelter signs must not exceed eighteen (18) inches in letter height.

(3) Shelter signs must be included in the total allowable building façade signage.

(4) Lighting fixtures mounted under canopies are prohibited, unless required for public safety.

(o) *Window signs.*

(1) In the interest of public safety, window signs, as defined herein, must comply with one of the following regulations:

a. Permanent, changeable copy, and temporary window signs must not cover more than twenty-five percent (25%) of the total window surface. Such signs must not be placed within four (4) inches of the window frame.

b. Temporary window signs in vacant non-residential tenant spaces may occupy up to ninety-five percent (95%) of the window surface for no longer than nine (9) months in any one calendar year. Such signs must not be placed within four (4) inches of the window frame.

- (2) Signs attached to a window must only be attached to the interior side of the window and must not be attached to the exterior side of the window.

Sec. 24-210C Prohibited and restricted signs.

- (a) Prohibited Signs and Objects. Unless otherwise provided for in this Article, the following signs are not allowed.
- (1) *Attaching signs to other objects:* Signs installed by nailing, fastening, adhering, or affixing the sign in any manner to any tree, rock, post, curb, utility pole, community mail box, natural feature, official street sign or marker, traffic control sign or device, or similar object, are prohibited.
 - ~~(2) *Fence Signs.* Permanent signs must not be attached to a fence. This prohibition does not apply to temporary signs attached to a fence.~~
 - ~~(3)(2) *Balloon signs:* Balloon signs, when used as commercial signs, are prohibited.~~
 - ~~(4)(3) *Billboard signs:* Billboard signs, as defined herein, are prohibited.~~
 - (4) *Fence Signs.* Unless allowed under § 24-211((c)(2), permanent signs must not be attached to a fence. This prohibition does not apply to temporary signs attached to a fence.
 - (5) *Flashing signs:* A flashing or blinking sign, or a sign with intermittent or varying intensity of illumination of a sign is prohibited, whether deliberate or as a consequence of a defect in the sign or the illumination source, except for:
 - a. A sign indicating the time or date or temperature changes, a combination thereof.
 - b. A traditional barber pole used for barber shops.
 - c. When approved as part of an electronic message display.
 - (6) *Illegal advertising:* Signs advertising activities, services, or products that are illegal under federal, state, or local laws and regulations are prohibited. This section does not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law or regulation.
 - (7) *Inflatable signs:* Inflatable signs, when used as commercial signs, are prohibited.
 - (8) *Moving signs and devices:*
 - a. Moving signs and signs with moving parts are prohibited.
 - b. Included in this prohibition are pennants, flashing or twinkling lights, hot air balloons, streamers and similar air-propelled devices, and pinwheels or similar circus or carnival type attractions.

- c. These prohibitions do not apply to barber poles, nor to fairs, carnivals, circuses, and similar approved uses, nor to non-commercial signs as defined herein.
- (9) Obscene signs: A sign must not contain statements, words, nor pictures of an obscene, indecent or immoral character, such as those that offend community standards of public morals or decency.
- (10) Off-site signs: Off-site signs, as defined herein, are prohibited, except as provided in Section 24-210C(b)(5).
- (11) Paper signs: Paper signs that cover the front of a building are prohibited.
- (12) Person signs. Commercial signs that are held or worn by a person are prohibited.
- (13) Portable, moveable, and relocatable signs: Portable, moveable, and relocatable signs are prohibited, except for A-frame signs and freestanding banners, which are subject to the regulations of Section 24-210B(a) and Section 24-210B(b), respectively.
- (14) Roof signs:
 - a. A sign must not be installed nor constructed on the roof of any building.
 - b. For the purpose of this regulation, a roof is defined as the highest horizontal surface of any building, exclusive of any mechanical equipment structure on said roof. A parapet or similar structure that extends above the highest horizontal surface of a building is not a roof.
- (15) Short-term rental: Signs designating short-term rentals, as defined by City Code Section 18AA-2, are prohibited.
- (16) Temporary Signs, Illuminated: Temporary signs that are illuminated are prohibited.
- (17) Traffic hazards: A sign or object is not allowed which, by reason of its shape, color, or wording
 - a. May be confused with an official traffic sign, signal, or device;
 - b. May be confused with a public safety device, such as fire hydrants, speed cameras, street lights, utility boxes, and similar devices;
 - c. May mislead or confuse pedestrians or vehicle operators
 - d. May obscure from view any traffic or street sign or signal
 - e. May obstruct the view in any direction at the intersection of a street with another street or with a driveway.

(18) Vehicular signs:

- a. A vehicle sign, as defined herein, is prohibited.
- b. Subject to the exceptions under Section 24-210(a)(6)h., a sign that is located on a vehicle parked in a place other than a private parking lot, private parking space, private driveway, private alley, or private garage is prohibited.
- c. These prohibitions do not apply to food trucks that have an active approved license from the City of Gaithersburg.

(19) Unauthorized signs: Signs that are not specifically allowed by this Article are prohibited.

(b) Restricted signs. Unless otherwise provided for in this Article, and subject to the following regulations and the regulations of Sections 24-211 and 24-211A, the following signs are allowed.

(1) Bed and breakfast: In order to preserve the residential character of a bed and breakfast, the following regulations apply to a sign installed and used by a bed and breakfast, as defined by this Code:

- a. Bed and breakfast uses may display only one (1) non-illuminated permanent sign at the premises.
- b. Such a sign must not exceed three (3) square feet in size. The planning commission may approve a sign larger than three (3) square feet in size.
- c. Limited indirect lighting is allowed but must be approved by the city manager or designee.
- d. Window signs are not allowed.
- e. Notwithstanding other provisions of this Article, such a sign must obtain a permit, pursuant to section 24-212 of this Code.

(2) Family day care: In order to preserve the residential character of a family day care, the following regulations apply to a sign installed and used by a family day care, as defined by this Code:

- a. Family day care uses may display only one (1) non-illuminated permanent sign at the premises, which must be affixed to the building.
- b. Such a sign must not exceed nine (9) inches by twelve (12) inches in dimensions, nor exceed a total area of three-fourths (0.75) square foot in size.
- c. Such a sign must not protrude more than two (2) inches from the building.

- d. Such a sign must only be placed on a façade that faces a public street or has a public entrance.
 - e. Notwithstanding other provisions of this Article, such a sign must obtain a permit, pursuant to section 24-212 of this Code.
- (3) *Home-based businesses:* In order to preserve the residential character of a home-based business, the following regulations apply to a sign installed and used by a home-based business, as defined by this Code:
 - a. A home-based business may display only one (1) non-illuminated permanent sign at the premises, which must be affixed to the building.
 - b. Such a sign must not exceed six (6) inches by twelve (12) inches in dimensions, nor exceed a total area of one-half (0.5) square foot in size.
 - c. Such a sign must not protrude more than two (2) inches from the building.
 - d. Such a sign must only be placed on a façade that faces a public street or has a public entrance.
 - e. Notwithstanding other provisions of this Article, such a sign must obtain a permit, pursuant to section 24-212 of this Code.
 - f. Such a sign is subject to the home-based business standards of Article X of Chapter 24 of the City Code.
 - g. Any home based business sign that is lawfully in existence on the effective date of the ordinance enacting this section, and which does not conform to this article, is allowed to remain until such time as the sign is structurally altered, as defined herein.
- (4) *Lots without buildings:* Signs for businesses or activities conducted on a lot or on lots unimproved by a building are allowed, subject to the following regulations:
 - a. Sign types allowed and not allowed.
 - i. Temporary and permanent freestanding signs are allowed.
 - ii. Permanent monument signs are allowed.
 - iii. Changeable copy signs are not allowed.
 - iv. Electronic message displays are not allowed.
 - v. All other temporary and permanent sign types are not allowed.

- b. The total area for all such signs must not exceed one (1) square foot per one hundred (100) square feet of lot area, or one hundred (100) square feet overall, whichever is smaller.
- (5) Off-site commercial signs: Commercial off-site signs are allowed, subject to the following regulations:
 - a. One such sign is allowed per five (5) acres of lot area where the sign is located.
 - b. The sign must not exceed one (1) square foot of sign face area per two hundred (200) square feet of lot area, up to a maximum of thirty-two (32) square feet.
 - c. The sign must not exceed eight (8) feet in height.
 - d. The sign must be single faced.
 - e. The sign must be located on land in a non-residential zoning district or the sign must be located on land in a floating district that is surrounded by only nonresidential uses.
 - f. The sign must not be located within five hundred (500) feet of any other off-site sign.
 - g. The sign must not be illuminated.
- (6) Residential Buffer (R-B) Zone: The following regulations apply to commercial signs installed on property located in the residential buffer (R-B) zoning district:
 - a. Signs are only allowed on or adjacent to those building façades that face a street or have a public entrance.

Sec. 24-211 On-site permanent signs.

Subject to the other provisions of this article and as noted in this section, on-site permanent signs are allowed as indicated in the following subsection tables. Any sign that is not included in a subsection table is not allowed.

(a) Permanent on-site Building Signs for each individual façade of the building.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Façade Coverage for all signs</u>	<u>Maximum Individual Sign Size Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>2 sq. ft.</u>	<u>2 sq. ft.</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>10% of Building Façade</u>	<u>5% of Building Façade</u>
<u>Nonresidential</u>	<u>CB</u>	<u>5% of Building Façade</u>	<u>5% of Building Façade</u>
<u>Nonresidential</u>	<u>RB</u>	<u>3% of Building Façade</u>	<u>3% of Building Façade</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>10% of Building Façade</u>	<u>5% of Building Façade</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>5% of Building Façade</u>	<u>5% of Building Façade</u>

(b) Permanent on-site geographic area signs.

Use	Zone(s)	<u>Maximum Size Allowed, if part of a building sign</u>	<u>Maximum Height and Width Allowed, if part of a monument or wall sign</u>	<u>Number Allowed</u>
<u>Overall Residential Subdivision that:</u> <u>(1) is 2 acres or larger in size; or</u> <u>(2) contains 10 or more buildable lots</u>	<u>all</u>	<u>As allowed for multiple family residential under building sign</u>	<u>As allowed for multiple family residential under monument or wall sign</u>	<u>[a*]</u>
<u>Overall Nonresidential or Mixed-Use Subdivision that:</u> <u>(1) is 2 acres or larger in size; or</u> <u>(2) contains 10 or more buildable lots or parcels</u>	<u>all</u>	<u>As allowed for nonresidential including mixed use buildings under building sign</u>	<u>As allowed for nonresidential including mixed use buildings under monument or wall sign</u>	<u>[b*]</u>

[a*] Building sign: the planning commission may approve a minor waiver to allow a geographic area building sign, up to a maximum of one (1) sign per ten (10) acres of subdivision area or portion thereof, subject to the provisions of Section 24-213(a).

Monument Sign: one (1) 1 sign per five (5) acres of subdivision area, or portion thereof.

Wall Sign: one (1) sign per five hundred (500) linear feet of wall, or portion thereof.

[b*] Building sign: The Planning Commission may approve a minor waiver to allow a geographic area building sign, up to a maximum of one (1) sign per five (5) acres of subdivision area or portion thereof, subject to the provisions of Section 24-213(a).

Monument Sign: one (1) 1 sign per five (5) acres of subdivision area, or portion thereof.

Wall Sign: one (1) sign per five hundred (500) linear feet of wall, or portion thereof.

(c) On-site permanent signs not attached to a building(1) Total allowable signage for on-site permanent signs not attached to a building

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Total permanent on-site Signage Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>8 sq. ft.</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>1 sq. ft. per 100 sq. ft. of lot area</u>
<u>Nonresidential</u>	<u>CB</u>	<u>1 sq. ft. per 150 sq. ft. of lot area</u>
<u>Nonresidential</u>	<u>RB</u>	<u>1 sq. ft. per 200 sq. ft. of lot area</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>1 sq. ft. per 100 sq. ft. of lot area</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>1 sq. ft. per 150 sq. ft. of lot area</u>

After determining the total allowable signage in the table above, use the sub-tables for each sign type to determine whether a proposed sign meets the standards for that particular sign type. A proposed on –site permanent sign, combined with the existing permanent signage on site, must not exceed the total allowable signage from the table above and must also meet the sign type standards that follow.

(2) Permanent on-site Banners attached to a support pole or fence.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Maximum Height of Support Pole or Fence</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>[c*]</u>	<u>[c*]</u>	<u>[c*]</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>48 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 20 acres, or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>1 per 25 acres, or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>24 sq. ft.</u>	<u>6 ft.</u>	<u>1 per 30 acres, or portion thereof</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>48 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 20 acres, or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>36 sq. ft.</u>	<u>6 ft.</u>	<u>1 per 25 acres, or portion thereof</u>

[c*] Only allowed in conformance with Section 24-210(a)(6)g. [single family residential exception to regulation and permits]

(3) Permanent on-site Changeable Copy Signs.

Use	Zone(s)	<u>Maximum Sign Face, if part of a building sign</u> [d*]	<u>Maximum Height and Width, if part of a monument sign</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 5 acres or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 8 acres or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 10 acres or portion thereof</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 5 acres or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 8 acres or portion thereof</u>

[d*] When part of a building sign, the changeable copy sign face does not count toward the total allowable signage under Section 24-211(c), but does count toward the total amount allowed on each façade under Section 24-211(a).

(4) Permanent on-site Decorative Pole Banners

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Maximum Height</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>	<u>2 per acre, or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>	<u>1 per acre, or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>	<u>2 per acre, or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>12 sq. ft.</u>	<u>6 ft.</u>	<u>1 per acre, or portion thereof</u>

(5) Permanent on-site Electronic Message Display.

Use	Zone(s)	<u>Maximum Sign Face, if part of a building sign</u> [e*]	<u>Maximum Height and Width, if part of a monument sign</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 10 acres or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 15 acres or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 10 acres or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>As allowed under building sign</u>	<u>As allowed under monument sign</u>	<u>1 per 15 acres or portion thereof</u>

[e*] When part of a building sign, the electronic message display sign face does not count toward the total allowable signage under Section 24-211(c), but does count toward the total amount allowed on each façade under Section 24-211(a).

(6) Permanent on-site Freestanding Signs.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Maximum Height</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>48 sq. ft.</u>	<u>10 ft.</u>	<u>1 per 10 acres or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>32 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 15 acres or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>24 sq. ft.</u>	<u>6 ft.</u>	<u>1 per 20 acres or portion thereof</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>48 sq. ft.</u>	<u>10 ft.</u>	<u>1 per 10 acres or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>32 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 15 acres or portion thereof</u>

(7) Permanent on-site Monument Signs.

<u>Use</u>	<u>Zone(s)</u>	<u>Max. Height, adjacent to a major highway</u>	<u>Max. Height, adjacent to all other road types</u>	<u>Max. Width, adjacent to a major highway</u>	<u>Max. Width, adjacent to all other road types</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>[f*]</u>	<u>10 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>	<u>1 per 5 acres or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>[f*]</u>	<u>10 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>1 per 8 acres or portion thereof</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>RB</u>	<u>8 ft.</u>	<u>6 ft.</u>	<u>12 ft.</u>	<u>10 ft.</u>	<u>1 per 10 acres or portion thereof</u>
<u>Nonresidential</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>[f*]</u>	<u>10 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>	<u>1 per 5 acres or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>[f*]</u>	<u>10 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>1 per 8 acres or portion thereof</u>

[f*] Maximum height allowed is the greater of the following, up to a maximum of 20 ft.:

(i) 10 ft.; OR

(ii) 1 ft. per 1 acre of lot area; OR

(iii) 1 ft. per 10,000 sq. ft. of gross building floor area

(8) Permanent Projected Image Signs.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>[g*]</u>	<u>[g*]</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>24 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 4 acres or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>18 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 6 acres or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>12 sq. ft.</u>	<u>1</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>24 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 4 acres or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>18 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 6 acres or portion thereof</u>

[g*] Only allowed in conformance with Section 24-210(a)(6)g. [single family residential exception to regulation and permits]

(9) Permanent on-site Wall Signs.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face Depth</u>	<u>Maximum Sign Face Length</u>	<u>Number Allowed</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>50% of wall height</u>	<u>30 feet or 15% of total wall length, whichever is less</u>	<u>1 per 100 linear feet of wall, or portion thereof</u>
<u>Nonresidential</u>	<u>CB</u>	<u>50% of wall height</u>	<u>30 feet or 15% of total wall length, whichever is less</u>	<u>1 per 150 linear feet of wall, or portion thereof</u>
<u>Nonresidential</u>	<u>RB</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>50% of wall height</u>	<u>30 feet or 15% of total wall length, whichever is less</u>	<u>1 per 100 linear feet of wall, or portion thereof</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>50% of wall height</u>	<u>30 feet or 15% of total wall length, whichever is less</u>	<u>1 per 150 linear feet of wall, or portion thereof</u>

Sec. 24-211A On-site temporary signs.

Subject to the other provisions of this article and as noted in this section, temporary signs are allowed as indicated in the following subsection tables. Any sign that is not included in a subsection table is not allowed.

(a) Temporary A-Frame Signs.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Number Allowed</u>	<u>Time Restrictions</u>
<u>Single Household Residential</u>	<u>all</u>	<u>Not Allowed</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>6 sq. ft.</u>	<u>1 per 2 acres or portion thereof</u>	<u>Must not be displayed while business is closed</u>
<u>Nonresidential</u>	<u>CB</u>	<u>6 sq. ft.</u>	<u>1 per 2 acres or portion thereof</u>	<u>Must not be displayed while business is closed</u>
<u>Nonresidential</u>	<u>RB</u>	<u>3 sq. ft.</u>	<u>1</u>	<u>Maximum of 8 hours in any 24-hour period</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>6 sq. ft.</u>	<u>1 per 2 acres or portion thereof</u>	<u>Must not be displayed while business is closed</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>6 sq. ft.</u>	<u>1 per 2 acres or portion thereof</u>	<u>Must not be displayed while business is closed</u>

(b) Temporary Banners, attached to buildings.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Number Allowed</u>	<u>Time Restrictions</u>
<u>Single Household Residential</u>	<u>all</u>	<u>3 sq. ft.</u>	<u>1</u>	<u>30 days in any one 12-month period</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>48 sq. ft.</u>	<u>1 per building façade facing a public street or public entrance</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>CB</u>	<u>48 sq. ft.</u>	<u>1 per nonresidential tenant</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>RB</u>	<u>6 sq. ft.</u>	<u>1</u>	<u>30 days in any one 12-month period</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>48 sq. ft.</u>	<u>1 per nonresidential tenant or 1 per building façade facing a public street or public entrance, whichever is greater</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>48 sq. ft.</u>	<u>1 per building façade facing a public street or public entrance</u>	<u>90 days in any one 12-month period</u>

(c) Temporary Banners, Freestanding.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Number Allowed</u>	<u>Time Restrictions</u>
<u>Single Household Residential</u>	<u>all</u>	<u>8 sq. ft.</u>	<u>1</u>	<u>30 days in any one 12-month period</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>12 sq. ft.</u>	<u>1 per acre, or portion thereof</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>CB</u>	<u>12 sq. ft.</u>	<u>1 per acre, or portion thereof</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>RB</u>	<u>8 sq. ft.</u>	<u>1</u>	<u>30 days in any one 12-month period</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>12 sq. ft.</u>	<u>1 per acre, or portion thereof</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>12 sq. ft.</u>	<u>1 per acre, or portion thereof</u>	<u>90 days in any one 12-month period</u>

(d) Temporary Freestanding Signs, other than banners.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Sign Face</u>	<u>Maximum Height</u>	<u>Number Allowed</u>	<u>Time Restrictions</u>
<u>Single Household Residential</u>	<u>all</u>	<u>6 sq. ft.</u>	<u>6 ft.</u>	<u>3</u>	<u>30 days in any one 12- month period</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>12 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 2 acres, or portion thereof</u>	<u>90 days in any one 12- month period</u>
<u>Nonresidential</u>	<u>CB</u>	<u>12 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 2 acres, or portion thereof</u>	<u>90 days in any one 12- month period</u>
<u>Nonresidential</u>	<u>RB</u>	<u>6 sq. ft.</u>	<u>6 ft.</u>	<u>3</u>	<u>30 days in any one 12- month period</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>12 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 2 acres, or portion thereof</u>	<u>90 days in any one 12- month period</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>12 sq. ft.</u>	<u>8 ft.</u>	<u>1 per 2 acres, or portion thereof</u>	<u>90 days in any one 12- month period</u>

(e) Temporary Projected Image Signs.

<u>Use</u>	<u>Zone(s)</u>	<u>Maximum Size Allowed</u>	<u>Number Allowed</u>	<u>Time Restrictions</u>
<u>Single Household Residential</u>	<u>all</u>	<u>12 sq. ft.</u>	<u>1</u>	<u>30 days in any one 12-month period</u>
<u>Multiple Household Residential</u>	<u>all</u>	<u>24 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 2 acres or portion thereof</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>CB</u>	<u>18 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 3 acres or portion thereof</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>RB</u>	<u>12 sq. ft.</u>	<u>1</u>	<u>30 days in any one 12-month period</u>
<u>Nonresidential, including Mixed Use Buildings</u>	<u>C-1, C-2, C-3, C-P, E-1, E-2, I-1, I-3, I-4, H-M, CBD, CD, MXD</u>	<u>24 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 2 acres or portion thereof</u>	<u>90 days in any one 12-month period</u>
<u>Nonresidential</u>	<u>R-A, R-6, R-18, R-20, R-90, RP-T, R-H, R-O</u>	<u>18 sq. ft. or 3% of building façade, whichever is greater</u>	<u>1 per 3 acres or portion thereof</u>	<u>90 days in any one 12-month period</u>

Sec. 24-212 Sign permits.(a) When sign permit required:

- (1) Unless otherwise provided in this Article or the City Code, it is unlawful for any person to post, display, structurally alter, install, or erect a sign in the city without first having obtained a sign permit.
- (2) The city manager or designee may seek the advice of the Planning Commission in connection with any application for such a sign permit.
- (3) The duration of a sign permit corresponds to the type of sign allowed under the applicable section of this article or the permit, and thus does not expire if no duration nor expiration is so specified.

(b) When additional permits required:

- (1) Where a sign will also require a building, electrical, or other related permit under any provision of the City Code, such other permit must be issued or approved prior to or concurrently with the issuance of the sign permit.
 - (2) The city manager or designee has discretion with respect to the duration of such sign permits requiring other permits, and is authorized to establish conditions for the issuance thereof.
- (c) Sign permit application requirements:
 - (1) Applications for sign permits must be filed with the City by the sign owner, or authorized agent, upon forms furnished by the City.
 - (2) The application form, which may be modified from time to time, should describe and set forth such information as needed, to fulfill the requirements of this article, and should generally include the type, size, location, and materials of the sign and its supporting structure; the name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located; and written consent of the owner, or authorized agent, granting permission for the placement or maintenance of the subject sign.
- (d) Compliance with codes:
 - (1) All signs must comply with applicable requirements of the city building code and the Maryland High Voltage Line Act.
 - (2) Signs that contain electrical components must additionally comply with the requirements of the city electrical code.
- (e) Denial or revocation of permits:
 - (1) When the city manager or designee denies any application for a sign permit, or revokes or suspends a previously-issued sign permit, the applicant may seek administrative review of such denial, revocation, or suspension by the board of appeals, pursuant to the provisions of article VII of this chapter; and
 - (2) The board of appeals has the power to order the issuance of the permit or to sustain the decision of the city manager or designee.
- (f) Security for revocable and temporary sign permits:
 - (1) The city manager or designee may require revocable permits issued for the installation and placement of signs to be secured by cash deposit, letter of credit, bond, or other security, to reimburse the city for the cost of removal of such signs, where said signs are in violation of their permits, the provisions of this article, or any lawful directive of the city manager or designee, with respect thereto.

- (2) Temporary sign permits issued for the installation and placement of signs may, by resolution of the city council, be required to be secured by cash deposit, letter of credit, bond, or other security, to reimburse the city for the cost of removal of such signs, where said signs are in violation of their permits, the provisions of this article, or any lawful directive of the city manager or designee, with respect thereto.
- (3) The city manager or designee is authorized to forfeit any deposit, letter of credit, bond, or other security, upon written notice to the permittee or owner of the sign.

Sec. 24-212A Enforcement and penalties.

- (a) *Enforcement:* The city manager, or designee, is hereby authorized and directed to enforce all of the provisions of this article.
 - (1) Upon presentation of proper credentials, the city manager or designee may enter, at reasonable times, any building, structure, property, or premises in the city to perform any duty imposed upon the city manager, or designee, by this article.
 - (2) The city manager, or designee, is authorized to promulgate rules, regulations and interpretations with respect to the location, installation, erection, maintenance and removal of signs, which are not inconsistent with the provisions of this article.
 - (3) The city manager, or designee, is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.
 - (4) Where there is noncompliance with an order to remove a sign, the city manager, or designee, is authorized to remove said sign.
- (b) *Sign maintenance:*
 - (1) All signs and components thereof must be maintained in good appearance, repair, and condition by the owner or permittee of the sign against breakage, material discoloration, and defects in, or omission of, material components.
 - (2) Signs may be declared unsafe by the city manager or designee, and subject to removal, as provided in sections 24-212A(e) and 24-212A(f) if, due to structural or component defects, location or operation, they constitute a danger to the health, safety and welfare of the general public or occupants or visitors to the property upon which said sign is located.

- (c) *Sign abandonment:* Signs are deemed abandoned and subject to an order to remove the sign, directed to the sign permittee or owner of the sign by the city manager or designee, if:
- (1) Maintained on the property in excess of thirty (30) days after expiration or revocation of the sign permit for such sign; or
 - (2) Where the condition of the sign due to breakage, discoloration or lack of material components evidences abandonment.~~;~~ ~~or~~
- (d) *Responsibility for compliance:* Responsibility for compliance with the terms and provisions of this article rests with:
- (1) The sign permittee, the sign owner, the lessee; or the legal custodian; or agents of either the sign owner or owner or lessee of any premises, structure, or building containing a sign covered by the provisions of this article; OR,
 - (2) The person, company, or entity that installs or erects a sign covered by the provisions of this article. Enforcement proceedings may be directed against such persons for noncompliance with the terms and provisions of this article or for noncompliance with orders issued by the city manager or designee, pertaining to this article.
- (e) *Sign removal for non-compliance:* The city manager or designee is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.
- (f) *Liability for sign removal:* Where the city manager or designee is authorized to remove a sign due to noncompliance with this article, noncompliance with the provisions of the permit, or noncompliance with an order to remove, the permittee or owner of the sign is liable to the city for all costs of removal.
- (g) *Enforcement proceedings and penalties:* Any person, firm or entity that violates provisions of this article is subject to the remedies and penalties provided in section 24-184 of this chapter or as specified in other sections of this article.
- (h) *Appeals:* Any person referred to in section 24-212A(d) above may appeal any order of the city manager or designee issued pursuant to this article to the city board of appeals, pursuant to the provisions for administrative review contained in article VII of this chapter.

Sec. 24-213 Waiver from Article IX.

(a) Minor waiver.

Where allowed by other provisions of this article, the approving body for a sign may grant a minor waiver to approve a sign that deviates from the regulatory requirements of this Article, upon a finding that:

- (1) Such deviation will not have an adverse impact on the health, safety, and general welfare of the City, its residents and businesses, the general public, and the surrounding properties; and
- (2) Such deviation will not be a hazard to traffic, vehicles, or pedestrians; and
- (3) Such deviation is necessary due to location, obstructions, or other factors that adversely impact the visibility of the sign; and
- (4) Such deviation is in conformance with the purposes of this Article.

(b) Major waiver.

Where a literal application of this ordinance, due to special circumstances, would result in an unusual hardship in an individual case, the planning commission may grant a major waiver to approve a sign that deviates from the regulatory requirements of this article, upon a finding that:

- (1) The granting of such a major waiver satisfies the required findings for a minor waiver under Section 24-213(a); and
- (2) There exist exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, visibility, or topography, which are not applicable to other lands or structures in the area; and
- (3) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated; and
- (4) Granting the major waiver would not confer on the applicant any significant privileges that are denied to others similarly situated; and
- (5) Neither the special circumstances nor unusual hardship is the result of action by the applicant; and
- (6) The requested major waiver is the minimum deviation necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated; and
- (7) Granting the major waiver would not result in allowing a sign that interferes with road or highway visibility, nor obstruct or otherwise interfere with the safe and orderly movement of traffic.

ADOPTED by the City Council this 4th day of May, 2020.

DocuSigned by:


52E570A5749C472...
Jud Ashman, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 4th day of May, 2020.
APPROVED by the Mayor of the City of Gaithersburg this 4th day of May, 2020.

DocuSigned by:

52E570A5749C472...
JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 4th day of May, 2020; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 4th day of May, 2020. This Ordinance will become effective on the 24th day of May, 2020.

DocuSigned by:

7D332CF5601646A...
Tony Tomasello, City Manager